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Letter dated 5 February 2013 from the Chair of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan addressed to the President of the Security Council

I have the honour to transmit herewith the final report of the Panel of Experts on the Sudan as requested by the Security Council in paragraph 5 of resolution 2035 (2012).

The report was presented to the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan on 24 January 2013, and was considered in the Committee on 4 February 2013.

I will present to the Security Council shortly the Committee's views on the report, and any follow-up to the recommendations contained therein.

I would be grateful if the present letter and the report were issued as a document of the Security Council.

(*Signed*) María Cristina **Perceval**
Chair
Security Council Committee established pursuant to
resolution 1591 (2005) concerning the Sudan

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Letter dated 22 January 2013 from the Panel of Experts on the Sudan established pursuant to resolution 1591 (2005) addressed to the Chair of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

On behalf of the members of the Panel of Experts established pursuant to Security Council resolution 1591 (2005), I have the honour to transmit herewith the report of the Panel prepared in accordance with Security Council resolution 2035 (2012).

(*Signed*) Issa **Maraut**
Coordinator
Panel of Experts on the Sudan established pursuant to resolution 1591 (2005)

(*Signed*) Brian **Johnson-Thomas**
Expert

(*Signed*) Mohammed **Al Omari**
Expert

(*Signed*) Rania **El Rajji**
Expert

(*Signed*) Ghassan **Schbley**
Expert

Report of the Panel of Experts on the Sudan established pursuant to resolution 1591 (2005)

Summary

The five experts, although appointed on 23 April 2012, obtained their entry visas for the Sudan only between the end of June and the beginning of July 2012. By 19 December 2012, they had spent a total of 107 days in the Sudan, more than half of which in Darfur. In total, the Panel conducted 15 regional and international missions.

The cooperation of the Government of the Sudan with the Panel undoubtedly improved in comparison to the period under the previous mandate. Nevertheless, the Panel continued to face administrative and security constraints that inhibited its freedom of movement and prevented the smooth fulfilment of its mandate. The Panel furthermore encountered three unfortunate and regrettable incidents in the Sudan during the course of its mandate.

The cooperation extended to the Panel by the African Union-United Nations Hybrid Operation in Darfur (UNAMID) and the United Nations Mission in South Sudan was satisfying.

In Darfur, the Panel observed the use by the Sudanese air force of a new weapons system, S-8 air-to-ground rockets.

The Panel detected an enhancement of the offensive capability of some armed opposition groups by their use of a 107-mm multiple-launch rocket system.

It appears that, in 2012, the Justice and Equality Movement (JEM) operated a large base for around 800 armed fighters inside South Sudan at a location near Bentiu, Unity State. The Panel has also received multiple testimonies that another JEM base functioned within the territory of South Sudan, notably at Timshaha in Western Bahr el-Ghazal State.

The Panel notes that the new supreme military commander of JEM, Gebril Ibrahim Fediel, has travelled to the region from London on a passport provided by Uganda and that he has subsequently made frequent visits to South Sudan.

The Panel has continued to monitor military aviation assets of the Government of the Sudan in Darfur and related matters. The Panel's findings are that the Government has violated Security Council resolution 1591 (2005) and end user certificates, illustrated by the presence in Darfur of post-2005 procured platforms, by aerial bombardments and intimidating flights inside Darfur and by the maintenance outside Darfur of Darfur-based aircraft.

The Government sought to diminish the significance of the presence of the above-mentioned platforms in Darfur, stating that they had only limited-scale use and were in conformity with the rights of a sovereign State. Similarly, it emphasized that it would never use, nor had it previously used, its Darfur-based aviation assets to target its own people.

The conflict continued to significantly affect the lives of civilians in Darfur. While fighting between armed opposition groups and Government forces continued, access to areas of armed confrontations was restricted. UNAMID suffered from attacks against its troops, while civilians continued to be killed and forcibly displaced.

The Panel documented attacks on villages and camps for internally displaced persons that led to casualties and deaths. It also focused on human rights violations, including violations of the right to life and cases of torture or other forms of ill-treatment. The National Intelligence and Security Service continued to operate with impunity in Darfur.

Cases of sexual and gender-based violence continued to be reported throughout Darfur and were mainly linked to insecurity and opportunistic attacks.

The lack of capacity and will on the part of the judiciary to seriously prosecute perpetrators of international humanitarian law and human rights violations committed in relation to the conflict, and the resulting impunity, contribute to perpetuating a status quo where perpetrators are at large and civilians continue to bear the brunt of a protracted conflict.

The Panel continued to investigate the four individuals designated by the Security Council in resolution 1672 (2006) as subject to a travel ban and assets freeze and obtained some important and relevant information that merits consideration by the Committee.

The Panel also continued to investigate possible sources of revenue needed by the armed opposition groups to sustain their military operations.

The political process is facing contradicting developments. The implementation of the Doha Document for Peace in Darfur is certainly advancing tangibly, although is far from being complete. A number of sensitive subjects are yet to be resolved, including security arrangements, the fulfilment of financial commitments by the Government and ending impunity.

Continuing negotiations between the Government and JEM dissidents have contributed, since mid-October 2012, to reinvigorating the peace dynamics.

Members of the Sudanese Revolutionary Front who have not adhered to the Doha Document for Peace in Darfur remain hostile to relaunching the peace talks on the basis of the Document and continue to pursue their armed struggle. They seek to employ all means to overthrow the Government and endeavour to join with political opposition parties and sectors of civil society that are opposing the Government.

In this environment of unpredictable consequences, regional and international efforts are employed to revive the peace dynamics in order to reach an inclusive and comprehensive solution to the conflict.

Contents

		Page
I.	Introduction	7
II.	Programme of work	8
III.	Operating environment	9
	A. Government of the Sudan	9
	B. Cooperation with the African Union-United Nations Hybrid Operation in Darfur, the United Nations Mission in South Sudan and other United Nations agencies	10
	C. Cooperation with Member States	11
IV.	Methodology	11
V.	General political context	12
VI.	Security situation in the Darfur states	13
VII.	Arms embargo	15
	A. Air-to-ground rockets	15
	B. Multiple-launch rocket system	16
	C. Mortar bombs	17
	D. Armoured personnel carrier	17
	E. Assistance from countries in the region	18
VIII.	Aviation assets and offensive military overflights	18
	A. Overview	18
	B. Government of Sudan aviation assets in Darfur	19
IX.	Acting as a source of information on individuals who commit violations of international humanitarian or human rights law or other atrocities	22
	A. Overview	22
	B. Violations of international humanitarian law	22
	C. Violations of international human rights	34
	D. Sexual and gender-based violence	40
X.	Financing of armed opposition groups	41
XI.	Implementation of the travel ban and assets freeze	42
	A. Four designated individuals	43
	B. Amendments to identifiers and acronyms	45
	C. Implementation by the Government of the Sudan	45
	D. Implementation by other Member States	46

XII. Political process and progress towards removing impediments to the peace process 48
A. Progress of the Doha Document for Peace in Darfur 48
B. Obstacles to the implementation of the Doha Document for Peace in Darfur 49
C. Threats to the political process 51
D. Progress towards removing impediments to the political process 52
XIII. Recommendations 53
Annexes 55

I. Introduction

1. In its resolution 2035 (2012), the Security Council requested the Panel of Experts on the Sudan to submit a final report no later than 30 days prior to the termination of its mandate with its findings and recommendations. The present report has been prepared in response to that request. It is the ninth formal report submitted by the Panel and should be read in conjunction with the previous reports. Since its appointment, the Panel has submitted an interim report on 31 July 2012 and a written report accompanying the midterm briefing on 15 October 2012. The Panel has also submitted eight monthly updates to the Committee upon the Council's request pursuant to resolution 2035 (2012). The Panel was established by the Council in paragraph 3 (b) of its resolution 1591 (2005). The Panel's mandate has since been extended by resolutions 1651 (2005), 1665 (2006), 1713 (2006), 1779 (2007), 1841 (2008), 1891 (2009), 1945 (2011), 1982 (2011) and 2035 (2012).

2. By paragraphs 7 and 8 of resolution 1556 (2004), the Security Council imposed an arms embargo on all non-governmental entities and individuals, including the Janjaweed, operating in the States of Northern Darfur, Southern Darfur and Western Darfur. By paragraph 2 of resolution 2035 (2012), the Council confirmed that all reference to the three states of Darfur should apply to all the territory of Darfur, including the new States of Eastern and Central Darfur, created on 11 January 2012. By paragraph 7 of resolution 1591 (2005), the Council extended the arms embargo to include all parties to the N'Djamena Ceasefire Agreement and any other belligerents in the aforementioned areas. By paragraphs 3 (d) and 3 (e) of resolution 1591 (2005), the Council also imposed targeted travel and financial sanctions on designated individuals. The enforcement of the arms embargo was further strengthened by resolution 1945 (2010).

3. The Panel operates under the direction of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan. The mandate of the Panel, as set out in that resolution, is:

(a) To assist the Committee in monitoring implementation of the arms embargo;

(b) To assist the Committee in monitoring implementation of the targeted travel and financial sanctions;

(c) To make recommendations to the Committee on actions that the Security Council may want to consider.

4. Furthermore, the Panel is identified as a source of information for the Committee on individuals who:

(a) Impede the peace process;

(b) Constitute a threat to stability in Darfur and the region;

(c) Commit violations of international humanitarian or human rights law or other atrocities;

(d) Violate the measures implemented by Member States in accordance with paragraphs 7 and 8 of resolution 1556 (2004), and paragraph 7 of resolution 1591 (2005) as implemented by a State (all of which relate to the arms embargo);

(e) Are responsible for offensive military overflights.

5. By resolution 2035 (2012), the Council also requested the Panel:

(a) To coordinate its activities as appropriate with the operations of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) and with international efforts to promote the political process in Darfur;

(b) To assess in its interim and final reports progress towards reducing violations by all parties of the arms embargo;

(c) To assess in its interim and final reports progress towards removing impediments to the political process, threats to stability in Darfur and the region, violations of international humanitarian or human rights law or other atrocities, including sexual and gender-based violence, and other violations of resolutions 1556 (2004) and 1591 (2005).

6. On 20 April 2012, the Secretary-General appointed the following experts to serve on the Panel: Lipika Majumdar Roy Choudhury (India, Coordinator, finance expert), Issa Maraut (France, regional expert), Brian Johnson-Thomas (United Kingdom of Great Britain and Northern Ireland, arms expert), Mohammad Al-Omari (Jordan, aviation expert) and Rania El-Rajji (Lebanon, international humanitarian law expert). Following the resignation of Ms. Choudhury, the Secretary-General, in a letter dated 8 November 2012, appointed Ghassan Schbley (United States of America) as the finance expert and designated Mr. Maraut as Coordinator of the Panel. The Panel wishes to acknowledge the contributions of Nirmeen Elsarraj, a sexual and gender-based violence consultant, and Mohamed Mouti, an interpreter.

7. Following introductory meetings in New York, the Panel travelled in May and June 2012 to Ethiopia, Kenya, South Sudan and Uganda, since it did not immediately obtain entry visas for the Sudan. The experts attended various regional conferences on sanctions regimes (Nairobi) and monitoring illicit arms flows (Addis Ababa).

II. Programme of work[1]

8. During its fieldwork from 10 May to 19 December 2012, the Panel closely tracked the areas set forth in Security Council resolution 1591 (2005) and subsequent relevant resolutions.

9. The Panel conducted its mandate while encountering difficulties, restrictions and administrative barriers, in addition to potential and real risks.

10. The Panel visited the Sudan and conducted frequent regional and international missions in both larger and smaller groups, considering the breadth and complexity of its mandate. The purpose of those missions was to enable the Panel, to the extent possible, to objectively monitor the implementation of the Security Council resolutions. In addition, the Panel focused on identifying the impediments to the peace process following the signing of the Doha Document for Peace in Darfur on 14 July 2011, in addition to observing efforts aimed at reviving the peace process.

11. Of the Panel's 107 days in the Sudan, 64 (60 per cent) were spent in Darfur.

[1] Details of the Panel's meetings can be found in annex I to the present report.

12. The Panel also conducted regional missions to assess allegations of support provided to armed opposition groups and their potential impact on the conflict.

III. Operating environment

13. The conditions and modalities in which the Panel's mission took place have undoubtedly improved since the previous mandate.

A. Government of the Sudan

14. Initially, the cooperation of the Government of the Sudan with the Panel was slow. The Sudanese authorities took nearly one month to issue entry visas to the Panel. While the experts were appointed on 20 April 2012, they did not receive visas until late in June or the beginning of July. While four experts received multiple-entry visas, the arms expert received only single-entry visas, each valid for two months. The Panel's focal point within the Government stressed that, should the expert so desire, he could easily extend his visa, before its expiration, for another two months while in Khartoum. Indeed, the sexual and gender-based violence consultant obtained a one-month extension in Khartoum.

15. During this mandate, there was overall and steady improvement in the quality of interaction with the focal point and his team. General Mohammad Mustafa al-Dabi was always available for and receptive to the Panel's requests. There were regular and consistent bilateral contacts, which took place in a courteous and calm atmosphere. The Panel appreciates the fact that the focal point generally assisted, with few exceptions, in arranging contacts with various representatives of ministerial departments and a meeting at the General Staff headquarters in Khartoum with Major General (ret.) Gaffar Mohamed Elhassan, one of the four designated individuals. On a number of occasions, the Panel saw the focal point intercede on its behalf with various offices, urging them to respond to its requests for meetings. Furthermore, the focal point facilitated the granting of visas to the Sudan and travel permits for Darfur at short notice and after the initial delay in obtaining visas.

16. The focal point was, however, unable to facilitate unrestricted permits for Darfur for the Panel. In addition, the Panel's requests for direct contact with senior military and other officials in Khartoum and Darfur were denied.

17. In Darfur, the experts encountered security and administrative restrictions. They were unable to travel to areas of tension. Under security arrangements that involved close surveillance, they had no freedom of movement. Owing to security concerns, the Panel was normally unable to visit hotspots under the control of armed opposition groups, militias and Government forces, or visit areas affected by air strikes or continuing fighting. The Panel's ability to observe and investigate some areas in Darfur was therefore restricted.

18. In addition, four experts were targeted during three regrettable incidents. First, upon arrival by United Nations aircraft at Nyala airport on 12 August 2012, the aviation and the international humanitarian law experts were held by members of the National Intelligence and Security Service (NISS). They were forcibly taken to the NISS headquarters in Nyala and asked to reveal the programme of their mission.

Concerned by what had happened, the Panel's focal point subsequently apologized and immediately requested the NISS representative to investigate the incident.

19. Second, on 26 September 2012, a UNAMID patrol to which the arms expert and the Panel interpreter were attached was the target of multiple low-level passes carried out by two attack helicopters along the road near Omloata (an area between Kushina and the Tawila team site, Northern Darfur). Both the Panel and UNAMID raised this incident with representatives of the Government. The focal point subsequently stated that the competent authorities had been unaware that the expert was accompanying the patrol, given that UNAMID had not provided them with advance warning of his participation, and that he had thus not been directly targeted.

20. Lastly, having just begun to serve on the Panel, the finance expert was barred from entering the Sudan upon his arrival at Khartoum airport on 2 December 2012, even though on 21 November the Consulate-General of the Sudan in New York had duly granted him a single-entry official "United Nations business" visa. The expert was deported.

21. Parallel to the efforts of individual Committee members to address the incident, the Panel met the focal point on three separate occasions to explicitly discuss the matter. The focal point's efforts to enable the expert to return immediately were to no avail. The focal point noted that, since the issue related to the national security interests of the Sudan, as a sovereign State the Government reserved the right to deny entry into its territory to any person for any reason.

22. In the words of the Ministry of Foreign Affairs as communicated to the Coordinator of the Panel, the expert had been banned under a prohibition issued in accordance with a sovereign decree (i.e. by the Office of the President) that could therefore not be overturned.

B. Cooperation with the African Union-United Nations Hybrid Operation in Darfur, the United Nations Mission in South Sudan and other United Nations agencies

23. UNAMID demonstrated its willingness to cooperate with the Panel. At the working level, the cooperation was normally satisfactory. In Khartoum and Darfur, UNAMID made its administrative, logistics, materiel and security resources available to the Panel on an ongoing basis. This cooperation was particularly appreciated, especially since UNAMID had to make some organizational adjustments to meet the Panel's expectations. Moreover, some UNAMID units agreed to engage in exchanges, detailed analyses and brainstorming sessions with the experts.

24. The United Nations Mission in South Sudan (UNMISS) also provided logistical support and facilitated the experts' missions in South Sudan.

25. The Panel met various United Nations agencies and entities, such as the United Nations Development Programme, the United Nations Children's Fund, the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Refugees, the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Office of the Special Representative of the Secretary-General for Children and Armed Conflict.

C. Cooperation with Member States

26. The Panel appreciates the cooperation of Member States. In August 2012, it met officials from the embassies of China and the Russian Federation in Khartoum. In South Sudan, the Panel met the Minister for Foreign Affairs, the Minister of the Interior, the Deputy Minister of Defence and other Government officials. The Panel also met UNMISS officials, diplomats from the embassies of France and the United States and a delegation from the European Union. In Uganda, the Panel held two rounds of consultations with representatives of the Ministry of Foreign Affairs and other ministerial departments. It also met representatives of diplomatic missions in Khartoum, Juba, Addis Ababa, Kampala and N'Djamena. The Panel travelled to the United Arab Emirates to meet representatives of the Ministry of Foreign Affairs, Government agencies and private-sector entities to discuss the implementation of various resolutions. The Panel travelled to Qatar to meet officials and interlocutors involved in the peace process. It also travelled to Chad to meet the Minister for Foreign Affairs in relation to the bilateral security agreement signed between the Sudan and Chad in January 2010. The Panel also met officials from the United States Department of State in May 2012 and the Ministry of Foreign Affairs of France and the Foreign and Commonwealth Office of the United Kingdom in August 2012.

IV. Methodology

27. The Panel held several internal meetings to decide on its methodology of work and stressed the imperative of being objective, impartial and transparent. While the Panel placed importance on the rule of consensus, it agreed that, if differences and/or reservations arose, it would adopt the text, its conclusions and its recommendations by a majority of four out of five members.

28. The Panel operated in strict accordance with the values and ethics required by the United Nations. It complied unswervingly with the requirements of transparency, objectivity, impartiality, confidentiality and intellectual honesty.

29. Being an independent fact-finding body, without judicial power to issue subpoenas or carry out criminal investigations, the Panel decided to engage impartially with a broad range of stakeholders to obtain a wide spectrum of perspectives on issues of interest. The Panel made it clear to every stakeholder and interlocutor that it comprised independent experts who did not represent any Government or organization and that it strongly believed in working impartially and objectively. That assurance helped the Panel in receiving the support and cooperation of interlocutors. The Panel carefully informed interlocutors and stakeholders unfamiliar with the relevant Security Council resolutions about the context and purpose of its mission. The Panel maintained an unbiased stance throughout the process.

30. The Panel used two types of information and evidence: that acquired from open sources and that received directly from individuals or entities. Open sources are cited herein, while references to individuals or entities depend on the conditionality attached by the source. If the source requested that its identity should remain confidential, the Panel respected that request and maintained absolute confidentiality.

31. The Panel strives to collect accurate information and follows the principle of giving a right of reply to the person or entity that may be affected by any subsequent conclusion. The Panel endeavours to draw its conclusions based on evidence that is beyond a reasonable doubt but, since it has no powers to conduct a criminal investigation, the evidence collected by it may not always satisfy that evidentiary standard. The Panel, in such cases, bases its reasoning on the balance of probabilities to establish the truth of a disputed fact.

32. The Panel was conscious of the fact that its work should complement the efforts of the Security Council and the wider international community in bringing peace and stability to Darfur and the region. The Panel also appreciated the direct, or indirect, impact of its investigations on the conflict.

V. General political context

33. There have been considerable shifts in the broader political process in the Sudan — both in the implementation of the Doha Document for Peace in Darfur and in the Doha peace negotiations — during this mandate period.

34. The Panel believes that the settlement of the Darfur conflict has proved to be dependent on many factors, including:

(a) Internal political considerations;

(b) The warring parties' confrontational strategies;

(c) The escalation of violence, in particular in Northern Darfur, between armed groups and the Sudanese armed forces;

(d) The increasing number of intertribal clashes;

(e) The failure to disarm the Janjaweed;

(f) The stalled implementation of the Doha Document for Peace in Darfur;

(g) Emerging signs indicating potential distrust between the Doha Document signatories;

(h) The geographic expansion of the conflict in Southern Kordofan and Blue Nile States, South Sudan, potentially leading to a pan-Sudanese conflict;

(i) The regional environment.

Such challenges do not bode well for a resolution of the crisis in the foreseeable future.

35. The worsening economic and financial situations, and the significant tensions that appeared, according to various Sudanese press reports, within the Islamic movements during the general conference of November 2012, encourage armed opposition groups to pursue their military confrontations while seeking to unify all opposition movements' visions and ranks. The main objective is clearly to overthrow the current regime. In such tense circumstances, the Government is uncompromisingly continuing its crackdown on armed opposition groups.

VI. Security situation in the Darfur states

36. There is no one general statement that will apply with equal resonance to all areas of Darfur. During the course of the mandate, the focus of conflicts has shifted from the south and the east of Darfur to Northern Darfur, with other areas remaining relatively stable but unpredictable.

Figure I
Government helicopter shot down at Kushina

Source: Taken by the Panel, July 2012.

37. It is possible to point to a steady improvement in the overall security situation. Accordingly, it is clear that the border with Libya is not the supply route for armed opposition groups that it once was and, generally, the joint border patrols of the Sudanese and Chadian armed forces appear to be effective. Unfortunately, it is also clear that the similar arrangements for tripartite border patrolling between the Central African Republic, Chad and the Sudan have yet to become fully effective. In this context, the internal security situation within the Central African Republic clearly has implications for border security in Darfur.

Figure II
JEM fighters at Koro, near Tawila

Source: Taken by the Panel, September 2012.

38. There has been continuing insecurity in southern and eastern Darfur whence the Panel has received numerous — and mostly unverifiable — reports of clashes between Government forces and armed opposition groups. The reports are, in many cases, unverifiable because there is a lack of independent monitoring in those areas. Given its core mandate, UNAMID is based primarily in areas in which there are substantial civilian populations to protect, which therefore implies that sparsely populated areas tend not to have a United Nations presence.

39. The same holds true for the region containing the Jebel Marra massif, which is the base for armed opposition groups, principally those of Abdulwahid Mohammed Nour and Minni Minawi, and where the Government has been unable to project sufficient force to assert national control. The entire Jebel Marra region has seen much fighting between Government forces and armed opposition groups and also contains numerous sites of both verified and unverified aerial bombardments.

40. The Panel has devoted much time and effort to visiting this particular region, an endeavour fraught with some difficulty, given that access to northern Jebel Marra was denied by the Government.

41. The Panel has had some success in visiting the area to the east of the Jebel Marra massif to identify the use of weapons systems new to the conflict in Darfur and to assess in a general sense the impact of offensive military overflights by the Sudanese armed forces. The Committee may recall the events outside Tawila, east of Jebel Marra, in September, when a UNAMID patrol that included a member of the Panel was subjected to a threatening overflight by Sudanese helicopter gunships.

42. On the fringes of Jebel Marra, there have been reports of clashes between the Fur inhabitants of the Jebel and certain elements of the "Arab" tribes (tribes that consider themselves or are considered by others to have Arab roots) nearby. It

remains unclear how many of these "Arab" elements were formerly Government-sponsored Janjaweed, how many continue to have some affiliation with the Government and how many are simply criminals, but one example may suffice to illustrate the difficulties of establishing motivations.

43. While the Panel was in Kabkabiya, north of Jebel Marra, early in December, it undertook research into a recent outbreak of fighting at an artisanal gold mine located at Owry, in the foothills of the Jebel Marra massif. It appears that, before 2004-2005, the area was the domain of the Fur — and especially of the faction belonging to Abdulwahid Mohammed Nour. The Fur were forced out by the Janjaweed and, on occasion ever since, have attempted to retake the area.

44. Similar fighting has also taken place at Hashaba, most recently in January 2013, again apparently over control of a gold mining area. There have also been, and continue to be, numerous reported incidents of intertribal clashes and some incidents in which former members of Government militias have forcibly expressed their discontent with the current Government, especially against the backdrop of rising inflation and unemployment.

45. On occasion, this discontent has also manifested itself in incidents of direct attacks on UNAMID staff and premises, although some of these incidents — especially those of carjacking and kidnapping of UNAMID peacekeepers — appear to have an overtly criminal intent of financial gain for the perpetrators.

46. Such comparatively minor incidents are the rule rather than the exception and they reflect a situation in which none of the principal protagonists possesses sufficient military strength to achieve a decisive result. The results — for the civilian population — are clear, deleterious and dispiriting.

47. The conclusion to be drawn from the current security situation is that there is an urgent need to reenergize the peace process.

VII. Arms embargo

A. Air-to-ground rockets

48. Elsewhere in the present report, the Panel discusses Sukhoi Su-25 ground-attack aircraft, which were supplied to the Sudan between 2008 and 2010 by Belarus and are of themselves a violation of the arms embargo by the Government. The present section deals solely with a weapons system used by that aircraft: the delivery of S-5 and S-8 air-to-ground rockets.

Figure III
Remnants of S-8 air-to-ground rockets, Omloata, east of Jebel Marra

Source: Taken by the Panel, 26 September 2012.

49. The Panel has observed many locations in the general area east of the Jebel Marra massif where remnants of these weapons are present. In most cases, the remnants are merely fragments of an exploded weapon, which makes identification more difficult (although not necessarily impossible). In a few cases, the rockets have failed to explode, which also clearly poses some hazard to anyone seeking to examine them comprehensively.

50. It appears to be the case that several batches of these rockets have found their way into the arsenal of the Sudanese air force. It is thus not possible to state definitively how many examples of an arms embargo breach may have taken place. The Panel, however, is in possession of an end user certificate dated 11 November 2010 that the Sudan supplied to Belarus and that clearly states that the S-8 rockets will be used for purposes not contradicting the resolutions of the Security Council. The Panel also has a copy of a delivery control certificate dated 18 April 2011 certifying the arrival in Khartoum of 3,998 air-to-ground rockets of types S-8DM and S-8KO, along with the relevant shipping documents. It is also noteworthy that most of these rockets have thermobaric warheads, which implies a quantum leap in their effectiveness compared with other common types of these weapons.[2]

B. Multiple-launch rocket system

51. With regard to armed opposition groups, it appears that the usual pattern previously reported (i.e. that these groups obtain their weapons and ammunition from captured Government stocks) continues to be the case. It is as difficult for the Panel to obtain precise information about stocks in the hands of these groups as it is to obtain such information regarding the Government armed forces. It is possible,

[2] Copies of the end user certificate and delivery verification are provided in annex II to the present report.

however, to state that the Sudan Liberation Army faction led by Abdulwahid Mohammed Nour has obtained a 107-mm multiple-launch rocket system that, when the Panel visited northern Jebel Marra in December 2012, was based with a Sudan Liberation Army detachment in the village of Dibule, close to the UNAMID team site at Sortony.

52. When the Panel visited the area east of the Jebel Marra massif in September 2012, one of the then leaders of the Sudan Liberation Army/Abdul Wahid (SLA/AW), General Issaguy (who was subsequently killed in a firefight with Government forces), had stated the intention of the Sudan Liberation Army to make a show of strength against the Sudanese garrison in El Fasher. That duly occurred on the night of 16/17 November, when two rockets were fired towards El Fasher, attracting retaliatory fire from the Sudanese armed forces artillery unit positioned near the airport. It is entirely possible, but unconfirmed, that the rockets were fired from the multiple-launch rocket system referred to above.

C. Mortar bombs

53. During a visit to the village of Kushina, south of Tawila, in August 2012, the Panel observed unexploded series 0-821 60-mm mortar bombs, the manufacturer of which is unclear. A photograph is provided in figure IV. The batch numbers and other markings on this specimen from within Darfur bear a remarkable resemblance to similar shells reportedly seized from the Sudanese armed forces by the Sudan People's Liberation Army (SPLA) and JEM during their joint takeover of Heglig, photographs of which were published by the Small Arms Survey.

Figure IV
Unexploded 60-mm mortar shell, Kushina, south of Tawila

Source: Taken by the Panel, August 2012.

D. Armoured personnel carrier

54. Towards the end of the Panel's most recent mission to Darfur, in December 2012, an unfamiliar type of armoured personnel carrier was observed at a Sudanese armed forces position close to El Fasher.

55. Subsequent web-based research[3] indicates that the armoured personnel carrier in question appears to be of a type called the Rakhsh, manufactured in the Islamic Republic of Iran by the Shahid Kolah Dooz Industrial Complex, of which some 20 examples were reportedly[4] delivered to the Sudan between 2005 and 2006. The presence of this vehicle in Darfur is quite possibly an embargo violation. The Panel is making further inquiries.

E. Assistance from countries in the region

56. Following the death of the JEM supreme military commander, Khalil Ibrahim Fediel, in fighting with Government forces in November 2011, the leadership passed to his brother, Gebril Ibrahim Fediel, who was subsequently interviewed by the Panel at his then home in the United Kingdom on 14 June 2012.

57. The Panel is aware that Gebril Ibrahim Fediel subsequently left the United Kingdom on 23 July 2012 on a British Airways flight to Entebbe, Uganda, travelling on a Ugandan passport.[5] Subsequently, he has also been seen in locations in South Sudan, including Bentiu.[6]

58. Lastly, the Panel has devoted some time and energy to ascertaining the veracity of allegations that Darfurian armed opposition groups, especially JEM elements, have been able to use safe havens in South Sudan. The Panel has obtained clear and compelling evidence, including eyewitness statements, that, in 2012, JEM used a base for some 800 fighters in a former chicken farm situated between the town of Rubkona and the Bentiu airstrip (at N9°18'27" E29°47'24.5"). Estimates of the number of vehicles based there vary between 60 and 80 units.[7] The Panel has also received multiple testimonies that another JEM base functioned in South Sudan, notably at Timsaha in Western Bahr el-Ghazal State.[8]

VIII. Aviation assets and offensive military overflights

A. Overview

59. During its current mandate, the Panel continued to monitor Government military aviation assets in Darfur. It also considered the maintenance outside Darfur of Government military aviation assets based in Darfur, including the procurement of spare parts normally produced by the manufacturer.

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[3] See www.modlex.ir/cgi-bin/store.pl/page=product.html/pid=MXF04-000060.

[4] Jane's Armour and Artillery, "DIO Rakhsh armoured personnel carrier", IHS Jane's, 3 January 2012.

[5] Confidential and credible source interviewed in September 2012.

[6] Confidential and credible source interviewed in December 2012.

[7] Confidential, credible and compelling sources interviewed in December 2012.

[8] Confidential, credible and compelling sources interviewed in May and June 2012.

B. Government of Sudan aviation assets in Darfur

1. Sukhoi Su-25 jets

60. During its current mandate, the Panel observed four Sukhoi Su-25 fighter jets at El Fasher airport (tail Nos. 204, 210 and 215, in addition to one that had crashed).[9] The Panel also observed some flying activities in the vicinity of El Fasher.

61. The Government of Belarus confirmed that the Government of the Sudan acquired 15 Su-25 jets from Belarus between 2008 and 2010 (12 Su-25 single-seat aircraft and 3 Su-25B dual-seat aircraft).[10] The jets were delivered under a letter of guarantee provided by the Government of the Sudan, in which it was stated that they would not be used in violation of United Nations resolutions.[10]

62. The Government of the Sudan claims that, in conformity with its rights as a sovereign State, such aircraft are deployed based upon their limited-scale utilizations, such as guarding their troop convoys and movements in addition to UNAMID and humanitarian non-governmental organization convoys. In a meeting with representatives of the Ministry of Defence in August and December 2012, the Government emphasized that it would never use, nor had it previously used, its Darfur-based aviation assets to target its own civilians.

63. The Panel considers, however, that the deployment, without prior authorization from the Committee, of Su-25 jets to Darfur, delivered by Belarus from 2008 to 2010, is a violation by the Government of the Sudan of resolution 1591 (2005), as updated in resolutions 1945 (2010) and 2035 (2012), and, by implication, is a violation by the Government of the Sudan of the end-user certificate provided to the Government of Belarus.[11]

2. MiG-29 aircraft

64. In August 2012, the Panel observed 3 of the 11 MiG-29 aircraft owned by the Government of the Sudan (9 single-seat aircraft and 2 dual-seat aircraft) at Nyala airfield.[12]

65. The Panel noted the absence of the three MiG-29 aircraft during its visits to Nyala in September and December 2012. The Panel confirmed that those aircraft had been moved to Southern Kordofan and the Sudanese armed forces airbase at El Obeid. Both areas are located outside Darfur.[13] It is noteworthy that MiG-29 aircraft were involved in the Hashaba attacks of October 2012.[14]

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[9] One Government Su-25 crashed and is in no-fly status. It is classified as damaged beyond economic repair (category V), but remains lying next to the operational readiness platform.

[10] See annex II to the present report.

[11] The Government of the Sudan did not request an exemption for the activities noted by the representatives of the Ministry of Defence during their meetings with the Panel in August and December 2012.

[12] The number of MiG-29 aircraft comes from a confidential, credible source.

[13] Several meetings with on-site credible sources.

[14] The international humanitarian law expert obtained testimonies from various reliable interlocutors that MiG-29 aircraft were seen and heard on 25 and 26 October 2012. Those aircraft were preceded by an Antonov aircraft that dropped bombs on 24 October.

66. The Panel assesses that the Government of the Sudan may have redeployed the MiG-29 aircraft for operational reasons and because of the unsuitability of the Nyala airfield.[15]

67. The Panel believes that this issue should further be investigated.

3. Mi-24 attack helicopters[16]

68. The Government of the Sudan procured eight Mi-24 military attack helicopters in 2011.[17] It thus possesses at least 52 Mi-24 attack helicopters, given that it previously procured 12 in 2005 and 32 in 2009 (see S/2011/111, para. 85).

69. The Russian Federation informed the Panel that the above-mentioned eight helicopters were provided on the basis of an end-user undertaking by the Government of the Sudan stating that they would not be used in Darfur.[17]

70. During its visits to Darfur, the Panel observed six Mi-24 attack helicopters. Helicopters with tail Nos. 933, 950, 951, 939 and 952 were observed in El Fasher, Nyala and El Geneina. The helicopters were painted in olive drab khaki with a light blue underside, with full Sudanese armed forces marking. The Panel was unable to acquire other tail numbers owing to security restrictions.

71. The Government of the Sudan sought to diminish the significance of the presence of such helicopters in Darfur, stating that such presence was in conformity with its rights as a sovereign State. The Government noted that the helicopters were deployed based upon their limited-scale utilizations, such as guarding their troop convoys and movements in addition to UNAMID and humanitarian non-governmental organization convoys. In a meeting with representatives of the Ministry of Defence in August and December 2012, the Government emphasized that it would never use, nor had it previously used, its Darfur-based aviation assets to target its own civilians. In addition, it did not clarify whether any of the Mi-24 attack helicopters seen in Darfur were part of the 2011 procurement.[18]

72. The Panel considers, however, that the deployment of Mi-24 helicopters to Darfur, delivered by the Russian Federation post-embargo, is a violation by the Government of the Sudan of resolution 1591 (2005), as updated in resolutions 1945 (2010) and 2035 (2012), and, by implication, is a violation by the Government of the Sudan of the end-user certificate provided to the Russian Federation.[11]

4. Maintenance of Darfur-based aviation assets

73. Resolutions 1556 (2004) and 1591 (2005) extend the arms embargo to arms and related materiel of all types, including spare parts, in addition to assistance related to the maintenance or use of military equipment.

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[15] Nyala airfield lacks maintenance facilities and suffers from the presence of foreign object damage. MiG-29 aircraft have high-performance engines that would suck in the foreign objects and cause damage.

[16] The Mi-24 is also named Mi-35 in some countries.

[17] Letter dated 2 July 2012 from the Permanent Mission of the Russian Federation to the United Nations.

[18] The Government declined to answer the questionnaire provided by the Panel, which included this issue.

74. Given the lack of maintenance facilities in Darfur, the Panel assessed that the Sudanese armed forces could not conduct mandatory second-line and third-line maintenance. This implies that the required maintenance of Darfur-based military aviation assets is completed outside Darfur and requires spare parts normally produced by the manufacturer.

75. The Panel considers, however, that the maintenance of Darfur-based military aviation assets with spare parts procured from outside the Sudan, without prior authorization from the Committee, is a violation by the Government of the Sudan of resolution 1591 (2005), as updated in resolutions 1945 (2010) and 2035 (2012), and, by implication, is a violation by the Government of the Sudan of the end-user certificate.[11]

76. In 2011, the Panel reported that the Government of the Sudan had claimed that such maintenance and fuel supplies were not covered by the embargo (see S/2011/111, para. 90). The Panel, under the current mandate, again considers that such an exclusion is not mentioned in resolution 1591 (2005).

5. Offensive military overflights and bombardments

77. The Panel received reliable information that the Sudanese armed forces had conducted several offensive military overflights and bombardments in Darfur using Antonov aircraft,[19] Mi-24 attack helicopters, MiG-29 aircraft and Su-25 aircraft. The Panel and UNAMID were unable to verify some of those overflights.

78. During its mandate, the Panel deduced that most of the affected areas in Darfur were located in and around Jebel Marra, Wadi Hawar, Hashaba and Shangil Tobaya.[20]

79. In this context, the Panel reported in 2011 that on two occasions it had observed the open storage of barrel bombs next to the El Fasher airport tarmac and the loading of some of the bombs into an Antonov plane (see S/2011/111, para. 91).

80. In a meeting with representatives of the Ministry of Defence in August and December 2012, the Government of the Sudan denied that any bombings had taken place in Darfur and rejected allegations of civilian casualties by emphasizing that it would never use, nor had it previously used, its Darfur-based aviation assets to target its own civilians. It stated that the allegations of air strikes on civilians and of use of Government aviation assets in Darfur were simply propaganda by opposition groups and their supporters.

81. On 26 September 2012, two Sudanese armed forces Mi-24 aircraft conducted aerial demonstrations at very low altitude directly over a UNAMID patrol section. At the same time, an Antonov aircraft orbited overhead at a medium altitude. The Panel perceived those manoeuvres as threatening overflights.

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[19] It is worth noting that "Antonov" is the popular name for any aircraft being used for the purposes of aerial bombardment. It should thus not be assumed in any witness statement that the bombing was actually carried out by an Antonov-type aircraft.

[20] According to various confidential reports, the Sudanese armed forces conducted air strikes on Labado in May 2012; Kanjara Rehad Jedal, Laskani and Jebel Koshnie of Jebel Marra in July 2012; Hashaba in September and October 2012; Shangil Tobaya in September 2012; Abu Zerga (located halfway between Shangil Tobaya and Abu Zerga and close to Khartoum Djedid) in November 2012; Um Kededae (N13°13'27" E25°13'29") in November 2012; and Trayteer (east Jebel Marra) on 28 November 2012.

82. In a Panel meeting with the Government focal point in October 2012, the Government claimed that the aircraft had mistaken the patrol for an armed movement convoy. It is noteworthy that the patrol vehicles were clearly displaying United Nations insignia.

83. The Panel assessed that aerial bombardments inside the above-mentioned areas in Darfur were a violation by the Government of the Sudan of resolution 1591 (2005). The Panel also considers that such low-altitude passes are threatening and, therefore, offensive, thus a violation by the Government of the same resolution.

84. The Panel received allegations and indications that Government agencies other than the Sudanese armed forces were directing air operations in Darfur. The Panel could not, however, verify those allegations and believes that they should be investigated further.

IX. Acting as a source of information on individuals who commit violations of international humanitarian or human rights law or other atrocities

A. Overview

85. Monitoring and reporting on violations of international humanitarian law or human rights law or other atrocities is a key area of the Panel's remit pursuant to resolution 1591 (2005). During the course of its mandate, the Panel focused its work on locations most affected by conflict and on cases of the most serious violations of international humanitarian law and human rights. Considerations of access, or lack thereof, to some areas also affected the Panel's work.[21]

B. Violations of international humanitarian law

1. Definition of the Darfur conflict under international humanitarian law

86. The Darfur armed conflict is characterized by the protracted hostilities between the Government of the Sudan and Darfurian armed opposition groups which are distinguished by their organized structure and leadership and which continue to fight against the central Government authorities. The protracted nature of the conflict, the organized structure of the armed opposition groups and the control that they continue to exert over parts of the territory in Darfur[22] meet the necessary requirements to qualify the Darfur conflict as a non-international armed conflict.[23]

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[21] For a list of areas covered under international humanitarian law and human rights law, see annex III to the present report.

[22] Annex IV to the present report contains a map of locations of active movements and coalitions in Darfur.

[23] "Non-international armed conflict" falls specifically under the scope of common article 3 of the Geneva Conventions of 1949, which regulates the means and methods of warfare that bind all parties to the conflict. The Sudan is, of course, a signatory to the Geneva Conventions of 1949. Other treaties and sources of international humanitarian law, including the Convention on the Rights of the Child and customary international law, are also applicable.

87. Since the birth of the Sudanese Revolutionary Front (SRF),[24] the main Darfurian armed opposition groups have extended their activities beyond the borders of the conflict. While JEM was reported to be fighting side by side with SPLA against the Sudanese armed forces in Heglig in March 2012,[25] or with the Sudan People's Liberation Army/North in Southern Kordofan, they were also reported to have at least one military base and support in South Sudan (see para. 58). On the basis of the Panel's investigations into the modi operandi of the armed opposition groups in Darfur and of extensive interviews with armed opposition groups and reliable sources,[26] this support does not, however, affect the nature of the conflict in Darfur.[27] Darfurian armed opposition groups, if supported financially or through military equipment or training, continue to organize and plan their own internal military actions. The Panel is, nevertheless, concerned at the impact of the tensions on the borders and the impact of the crisis in Southern Kordofan and Blue Nile States on Darfur. While the Panel registered the presence of Darfurian refugees among new arrivals from those states in Ethiopia and South Sudan,[28] and in view of the presence of Darfurian armed opposition groups in Southern Kordofan, the Panel feels that it is not possible to dissociate them from Darfur, especially since the worsening human rights and humanitarian situation in the three above-mentioned areas could affect one another.

88. Intertribal conflict remains on the rise, mainly in Northern Darfur. The Panel investigated a number of cases in which nomadic tribes, or those commonly referred to as "Arab", were responsible for attacking camps for internally displaced persons or villages. These armed men, often referred to by interviewees as "former Janjaweed", also launched attacks against Government police and NISS during the course of the Panel's mandate.

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[24] In a number of cases, SRF is mentioned by the Panel because the participation of at least one Darfur-based armed opposition group as part of SRF was confirmed. It was not, however, possible to verify which other armed opposition groups, if any, were involved.

[25] Extensive interviews conducted by the Panel with various reliable sources in South Sudan, Uganda and Ethiopia in May and June 2012.

[26] Investigations conducted by the Panel into various attacks conducted by SRF in Darfur between August and December 2012, in addition to interviews conducted with representatives of SRF, United Nations actors and various reliable interlocutors in the Sudan, South Sudan, Ethiopia and Uganda between May and December 2012.

[27] For non-international conflicts that either become international or international in character alongside an internal armed conflict, see the decision of the Appeals Chamber of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, *Prosecutor v. Dusko Tadic*, 15 July 1999, case No. IT-94-1-A, para. 84, available at www.unhcr.org/refworld/docid/40277f504.html, and the decision on the confirmation of charges of the International Criminal Court in *Prosecutor v. Thomas Lubanga Dyilo*, para. 209. The *Tadic* decision states that a conflict may become international if another State intervenes in that conflict through its troops (direct intervention) or if some of the participants in the internal armed conflict act on behalf of that other State (indirect intervention). For participants in the internal armed conflict to be considered to be acting on behalf of another State, the Appeals Chamber clarifies in paragraph 137 of its decision that the said State should have a role in organizing, coordinating or planning the military actions of the military group, in addition to financing, training and equipping or providing operational support to that group.

[28] Research conducted by the Panel in January, May and June 2012 in South Sudan and Ethiopia.

2. Attacks on civilians or indiscriminately affecting civilians

(a) Aerial bombardments

89. During meetings with the Government authorities, the focal point's office stated, in response to the Panel's inquiries about aerial bombardments, that the Government of the Sudan had not in the past bombed, and would never in the future bomb, civilian targets or populations in Darfur (see para. 80). The Government focal point clearly stated that, while the right to use aerial bombardment in Darfur was one under the sovereignty of the State of the Sudan and was necessary in some instances to defend it, the right would never be exercised against the civilian population.[29] The Sudanese armed forces representative also explained that the Government used helicopters against armed opposition group positions for greater accuracy and to target them without affecting civilian targets. The same answer was given to the Panel when it raised the question of the most recent instances of reported aerial bombardments, including the ones that it had investigated, in Hashaba and various parts of eastern Jebel Marra.

90. These statements notwithstanding, the Panel's investigations during the current mandate show that aerial bombardment continues to be used on civilian areas and/or to indiscriminately affect civilians. Extensive interviews with reliable sources and many eyewitnesses[30] from various parts of Northern Darfur and eastern Jebel Marra show that aerial strikes continue to affect villages. Recurring testimonies indicate that attacks on villages are prompted by aerial strikes from Antonov aircraft.[30] These strikes last a few hours but continue for between one and three days and are later followed by troops of men in khaki uniforms[31] in trucks and on horses or camels, who enter villages and commit violations of international humanitarian law. Concurring testimonies described how aircraft continued to circle over villages for a couple of days following the initial bombardment, while ground attacks were being conducted. A number of sources[32] mentioned the use of MiG aircraft for aerial strikes, alleging that such use was a new feature of the conflict.

91. From 25 to 27 September 2012, armed clashes between the Government of the Sudan and armed opposition groups, including the Sudan Liberation Army/Minni Minnawi (SLA/MM) faction, culminated in the bombing of Hashaba in Northern Darfur. The Panel was unable to gain access to the area. Credible sources and interviews[33] indicate, however, that the town was first attacked by an Antonov aircraft that circled it a few times before dropping bombs. People began to flee but

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[29] Various meetings with the focal point's office in Khartoum and the representative of the Sudanese air force. The most recent meeting, where the question of the Hashaba bombardment and other aerial bombardments against civilian populated areas was raised, involved the focal point's office and the representative of the Sudanese air force. It took place in the presence of two members of the Panel on 17 December 2012 in Khartoum.

[30] Panel interviews with non-governmental organizations, UNAMID and more than 45 eyewitnesses and internally displaced persons, mainly from eastern Jebel Marra and Shawa locality, September to December 2012.

[31] One common feature of the conflict in Darfur remains that perpetrators of international humanitarian law and human rights violations are seldom identified and are most often referred to by victims either as "Arab" if from nomadic tribes, as men in uniform if members of current or former paramilitary groups, or as unidentified men.

[32] Interviews conducted between the end of November and mid-December 2012.

[33] The Panel withheld the names and positions of its sources for reasons of safety and confidentiality.

the bombing was shortly followed by the arrival of troops in khaki uniforms in vehicles. Some allege that they were followed by others on camels or horses. Those troops reportedly split up in three directions to cover the locality and began shooting indiscriminately while people attempted to flee. While most ran into a surrounding valley, some hid in caves or wherever they could. The Panel was informed by the same sources that eyewitnesses who returned to the scene on the third day counted 146 bodies. SLA/MM reported 70 deaths. The shooting and bombing reportedly continued for between two and three days. One particular eyewitness is said to have identified one of the troops as Central Reserve Police. There is one statement of at least two attempts at extrajudicial executions after men were individually dragged out and tortured. Accounts from the Hashaba attack allege that MiG aircraft were deployed to bomb the area on the second and third days.

92. The small town of Trayteer in eastern Jebel Marra allegedly came under Antonov bombardment on 28 November 2012.[34] The aerial strikes continued during the day, causing civilians to flee and hide in their farms. On 1 and 2 October, armed troops in military fatigues that survivors referred to as "Janjaweed" entered the town, beating and assaulting people. Survivors told the Panel that the same happened in Dawa and Karbala. Four people were wounded and most of the villagers fled, whether on foot, on donkeys or by truck, and reached Zam Zam camp where they were still living, in mid-December, in improvised tents and lacking basic needs. The survivors whom the Panel interviewed said that their villages had previously been peaceful and had no SLA/AW presence, given that they were located 7 km from Thabit, a town under Government control. When asked about the reason for the attack, they said that the Government suspected them of supporting SLA/AW. The Panel was told that two women from the village had been raped in the aftermath of the attack by the armed troops. One young man whom the Panel interviewed was allegedly thrown in a hole, covered and left for dead. He managed to crawl out, however, and was found by his relatives and carried with the displaced crowd. The Panel saw the remaining marks of his wounds.

[34] Interviews with 12 internally displaced persons from the region, December 2012.

Figure V
Settlement of new arrivals in Zam Zam internally displaced persons camp

Source: Taken by the Panel, December 2012.

Figure VI
Truck carrying fresh arrivals from eastern Jebel Marra

Source: Taken by the Panel, December 2012.

(b) Armed clashes and attacks on civilians

93. Armed clashes between various armed opposition groups, mainly members of SRF, and the Government of the Sudan intensified during the year. SRF conducted a number of attacks on Sudanese armed forces and Government positions in Darfur,

resulting in deaths and injuries among Government troops. While casualties were often reported by both sides, it remained extremely difficult, owing to lack of access for both UNAMID and the Panel, to verify the number of casualties and the impact of the fighting on surrounding civilian populations. There are, however, cases in Sigilli and Hashaba where the clashes resulted in attacks on civilians or towns, leading to devastating numbers of casualties.

94. On 17 October, reportedly in retaliation for the most recent bombing in eastern Jebel Marra, SLA/MM attacked a Popular Defence Forces position, allegedly causing some nine casualties. A second attack then ensued. On 2 November, in retaliation, the Popular Defence Forces attacked the town of Sigilli, killing 10 civilians. Eyewitnesses told the Panel that three armed vehicles had entered the town with men in military fatigues from various tribes, except the Zaghawa. A number of small villages in the locality of Shawa, including Sigilli, Kobi, Khayma, Ahmed Al Tayyeb, Arba'a Buyut and Amm Balila, were attacked, causing the displacement of some 750 people, according to some of the survivors. The bodies of the dead were brought by their community to the UNAMID headquarters in El Fasher on 3 November as evidence and to protest against the lack of protection for civilians in Darfur. Eyewitnesses interviewed by the Panel spoke of the 10 people having been killed in their homes or while fleeing. Camels and livestock had also been killed and houses burned. A joint assessment mission was first stopped by the Government, then travelled to Sigilli, where the members reportedly found the village completely abandoned, with signs of people having left hurriedly and with some houses set ablaze. They also reportedly found slaughtered livestock. The Panel met the relative and community of a man who had allegedly been killed on 12 December when he had returned to Ahmed Al Tayyeb in the locality of Shawa to obtain his donkey. The entire population displaced from Shawa is Zaghawa and internally displaced persons interviewed by the Panel told of continuing intimidation and targeting of the Zaghawa by armed elements of other tribes.

Figure VII
New arrivals from Shawa to Zam Zam camp

Source: Taken by the Panel, December 2012.

95. Parts of Jebel Marra, mostly eastern Jebel Marra, consequently remained inaccessible to UNAMID and the Panel. The Panel sought to gather information about, in the main, fighting between SLA/AW and Government forces inside eastern Jebel Marra. The information could not be confirmed, however, and the Panel could not gain access to the belligerents on the ground. The Panel heard from credible sources about three cases of detention by SLA/AW in the Jebel Marra area, but was unable to obtain access to the area or to eyewitnesses to verify that information.[35] Interviews with internally displaced persons from parts of eastern Jebel Marra also indicated that SLA/AW forces were not present in a number of villages that were under attack, although civilians interviewed expressed the belief that they had been targeted because of their presumed allegiance to SLA/AW.[36]

96. The Panel gathered information from reliable sources[37] about attacks organized by SRF members on towns and localities in Darfur. Many of them were conducted with the aim of stealing military equipment, medicine and food or fuel. Those particular attacks did not target civilian populations but limitations of access could not allow the Panel or even UNAMID to observe the belligerents' compliance with basic principles of international humanitarian law and to investigate any violations committed.

3. Protection of civilians

97. Protection of civilians, especially the most vulnerable such as internally displaced persons, is the primary responsibility of Government authorities (see Principle 3 of the Guiding Principles on Internal Displacement). It is also at the core of the mandate of UNAMID. Nevertheless, protecting civilians and, mostly, internally displaced persons in Darfur continues to pose a great challenge. According to UNAMID, as at May 2012, 1,702,000 internally displaced persons were living in camps throughout Darfur (see annex V to the present report). The number of returns recorded in the past year notwithstanding, the Panel documented continuous displacements, even from returnee areas, and new arrivals in camps owing to renewed fighting. During its visits, the Panel visited two main camps for internally displaced persons, but was prevented from visiting a third in Central Darfur. The Panel collected testimonies that told of insecurity, growing crime inside towns such as Nyala and camps, continuing harassment of internally displaced persons by either unknown elements or Government forces in some areas on their way in and out of camps, and insecurity inside the camps. Already displaced people continued to be further displaced.

98. On 1 August, the Al-Waha commissioner and his driver were killed in Kutum during an attempted carjacking. After the vehicle was reportedly found abandoned 2 km away from the Kassab internally displaced persons camp, between 200 and 300 men, according to some reports[38] from the commissioner's "Arab" tribe, organized a retaliation attack on Government police positions in Fatta Borno and on the Kassab camp. The tribesmen surrounded the camp, went on a shooting spree and

[35] Interviews mainly conducted in May and from August to October 2012.

[36] Interviews conducted with groups of newly internally displaced persons in Northern Darfur, December 2012.

[37] Interviews with United Nations personnel, reliable interlocutors, internally displaced persons, Government authorities and SRF members between May and December 2012.

[38] Interviews and material collected by the Panel in August and September 2012.

looted the camp. Eyewitnesses told the Panel that women from the marauding tribe were seen to assist in the looting. Attacks and looting also targeted the offices of humanitarian organizations. The entire camp population, at least 22,400 internally displaced persons,[39] and more than 30,000 according to some sources, immediately began fleeing in various directions. While some took shelter in Kutum, others hid in the town school and some took shelter in the open. UNAMID had no posts inside the camp when the attack occurred. According to UNAMID, a land dispute had forced it to remove its community policing centre some two years ago, hindering it from having a continuing presence inside the camp. The land issue was immediately solved in the aftermath of the attack. While patrols were supposed to be conducted twice a day to Kassab, none took place on the day of the incident or the day before. Rainwater hampered access to the camp by UNAMID in the aftermath of the attack. UNAMID was supporting the humanitarian response. According to various interviews conducted by the Panel with humanitarian organizations and credible sources, it was, however, security that posed the greatest challenge in Kassab and Kutum, rather than delivery of humanitarian assistance. The internally displaced persons who fled the camp dispersed owing to the scale and violence of the attack and humanitarian agencies were unable to reach them for several days. The greater challenge was to entice people to return to the camp. Subsequently, UNAMID intensified its patrols and presence inside the camp and promised to establish a post, which encouraged the return of the displaced population. During the Panel's visit to the camp in August 2012, the internally displaced persons continued to feel that, although the situation was stable, more patrols were needed.

Figure VIII
Kassab camp

Source: Taken by the Panel, September 2012.

[39] According to UNAMID, this is the number of internally displaced persons registered by the World Food Programme.

Figure IX
Students in front of school in Kutum where internally displaced persons took shelter during the attacks on the Kassab camp in August 2012

Source: Taken by the Panel, September 2012.

99. Interviews with various interlocutors, including internally displaced persons, indicate that members of the Zaghawa tribe in Northern Darfur continue to suffer from targeted intimidation and harassment. In the area of Shangil Tobaya, a number of reliable sources, including non-governmental organization and United Nations personnel, informed the Panel that their presence was limited to internally displaced persons camps. A number of women interviewed told of being assaulted, humiliated and attacked by armed Government paramilitary forces, mainly on their way into or out of their villages or camps, on the basis of being Zaghawa.[40]

100. The proliferation of small arms is a major problem affecting the lives of Darfurian civilians. The Panel investigated incidents in Northern and Southern Darfur perpetrated by unidentified armed men and members of armed tribes, commonly referred to as "former Janjaweed".[41] The absence of law and order, the proliferation of small arms and tribal allegiances have resulted, in many cases documented by the Panel, in civilian deaths and injuries, violations of the judicial system and random attacks on settlements of internally displaced persons.

101. Many eyewitnesses and victims interviewed by the Panel blame elements of the Popular Defence Forces and the Central Reserve Police for acts of harassment and intimidation inside camps or in rural parts of Darfur, especially the north. The Panel was told in various instances[42] of the role of local authorities, namely the

[40] Interviews with non-governmental organizations, human rights activists, UNAMID and internally displaced persons between August and December 2012.

[41] Interviews with non-governmental organizations, human rights defenders, lawyers, journalists and United Nations personnel between September and December 2012.

[42] Interviews with reliable sources that cannot be revealed for reasons of safety, at the level of non-governmental organizations, civil society and political parties.

Governor of Northern Darfur, in arming or supporting local tribes or their recruits into the Popular Defence Forces or the Central Reserve Police to exacerbate tribal tensions.

102. Disputes over land and between nomadic and sedentary communities continue. The end of 2012 was again marked by crop destruction. Armed nomadic groups or individuals are reported in some instances to ensure, by force, that their cattle could graze on the land before the farmers can collect their crops.

4. Restrictions on access and harassment of humanitarian workers

103. Parts of Darfur, mainly eastern Jebel Marra, remained generally inaccessible to humanitarian organizations, which continue to face difficulties in providing essential humanitarian assistance, such as medicine and vaccinations, even for infants, to the entrapped civilian population. The Panel wishes to highlight the importance of safe and sustained access for humanitarian organizations to populations in need. While sporadic access even to parts of eastern Jebel Marra was briefly possible for UNAMID in 2012, it remains restricted, conditional and by no means sufficient to create a humanitarian space that allows for neutral, impartial and effective delivery of humanitarian assistance. The safety of humanitarian workers and the timeliness of humanitarian interventions are vital to humanitarian operations, but are not, regrettably, guaranteed throughout Darfur. Fear for the safety of their staff drives a number of non-governmental organizations and United Nations agencies to restrict their own activities and movements. The Panel notes that continued lack of access to certain areas, such as eastern Jebel Marra, has led some non-governmental organizations and even parts of UNAMID to cease requesting access.

104. The system of clearances from various Government authorities, including the Government Humanitarian Aid Commission in some cases, constitutes an obstacle to the work of non-governmental organizations and United Nations agencies. Even after having obtained clearance to enter camps or specific areas, humanitarian non-governmental organizations and United Nations agencies are often stopped at the entrance of a camp or before they reach their destination by the Military Intelligence or NISS, hindering or preventing their delivery of assistance. A number of trusted sources among non-governmental organizations and United Nations agencies described to the Panel their experience of the Commission operating hand in hand with NISS in Darfur and acting as a source of information on non-governmental organizations and humanitarian workers, whether in the course of their humanitarian work or during operations to raid and close down offices of non-governmental organizations. Three offices of national non-governmental organizations were closed down in Southern Darfur in 2012, while a number of international non-governmental organizations, such as Médecins Sans Frontières,[43] halted their programmes as a result of being unable to freely operate and conduct their work in Darfur. The impact of the expulsions of non-governmental organizations in 2009 on humanitarian operations remains visible, especially in the area of protection. Non-governmental organizations and United Nations agencies

[43] On 22 May 2012, Médecins Sans Frontières announced that it might suspend its provision of medical services in the area of Jebel Si in Northern Darfur owing to the many restrictions imposed by the Government, which had banned it from transporting any medical supplies to the area since September 2011.

operate in an atmosphere of apprehension and compromise for fear of being shut down or having their staff declared personae non gratae. Many described to the Panel their difficulties in obtaining visas for their staff, especially in relation to programmes deemed sensitive or touching on areas involving the protection of civilians. National staff members continue to be most vulnerable to acts of harassment. Tribal sensitivities in areas such as Northern Darfur put them more at risk. The Panel was made aware, in confidence, of cases in which national staff from non-governmental organizations or UNAMID were, as a result of their ethnic group, at risk and redeployed or requested to maintain a low profile in the aftermath of an attack or tribal conflict. The Government's announcement in 2012 that it would nationalize humanitarian work in the Sudan, although yet to be implemented, raises concerns over the future efficiency of humanitarian delivery and assistance in Darfur, especially to areas most affected by conflict.

5. Attacks on peacekeepers and humanitarian workers

105. This mandate period was marked by the escalation of attacks against UNAMID. Figures provided by the Operation show that nine of its members were killed between January and November 2012. One attack, in El Geneina in Western Darfur, left three Nigerian peacekeepers dead and four injured. The incident illustrates the increasing intensity of attacks against UNAMID, given that the patrol came under heavy fire during the attack. The patrol, on the basis of military expert analysis and interviews conducted by the Panel with credible confidential sources, might also have suffered from being poorly equipped and not following the rules of engagement, which might have contributed to increasing the attack's impact. A group claiming to be a movement to correct UNAMID corruption reportedly claimed responsibility for the attack, although unknown, causing greater concern in terms of how much of a target UNAMID has become in Darfur. Armed opposition groups have increasingly made statements that are adverse to the presence of the Operation in Darfur, with some having declared it a legitimate target. Nevertheless, investigations into the attack in Western Darfur and others show that most continue to be perpetrated with the aim of carjacking or stealing military equipment.

106. On 25 November, a UNAMID verification mission consisting of military and civilian components travelled from its base in Kutum to Hashaba to verify allegations of attacks on the town that had led to civilian deaths and injuries. Before departure, the convoy applied for clearance from the Government. It was given authorization to travel to a certain point and told that, beyond it, the Government would be unable to guarantee its safety. While en route, some 10-12 km from Damra Guba village, the convoy came under heavy fire from an unknown group. It swiftly reassembled at another point to escape the attackers and waited until it was cleared to proceed. One South African peacekeeper was killed and another four injured. Reliable sources[44] told the Panel that the troops' response and retreat was not very orderly and that the convoy was stopped and had to discontinue its mission following the attack. The perpetrators of the attack, which occurred in the territory where Government forces had stated that they could not guarantee the convoy's safety, had not been identified as at December 2012. The Panel observes that, in the case of the mission to Hashaba, UNAMID, in accordance with its mandate and its

[44] Experts and witnesses interviewed by the Panel in December 2012.

status-of-forces agreement with the Government,[45] pushed the limits of its access to areas affected by conflict in order to fulfil its protection mandate. Troops should avail themselves of the necessary equipment and have the adequate training and preparedness, especially in high-risk areas, to be able to protect themselves and avoid loss of life.

107. According to the Panel, impunity for attacks against UNAMID largely contributes to the prevalence of these attacks. Investigations into the killing of three peacekeepers in the Zam Zam internally displaced persons camp in November 2012 have, at the time of writing, neither been finalized nor led to the arrest of any suspects. The Panel awaits the results of the investigations to be carried out by the Special Prosecutor for the crimes committed in Darfur into the attack against the Nigerian troops in Western Darfur. At the time of writing, all attacks against UNAMID have gone unpunished.

108. After 136 days in captivity, two Jordanian UNAMID police personnel abducted on 20 August in Kabkabiya, Northern Darfur, were released. The abductions were the latest in a series of abductions affecting UNAMID, United Nations agencies and non-governmental organizations. Abductions of civilians continue. On 12 January, nine construction workers, including four Chinese nationals, were abducted in Northern Darfur. The four Chinese workers were released on 16 January.

6. Recruitment of child soldiers

109. While allegations of association of children with armed opposition groups continue to be heard in Darfur, lack of access to areas of fighting and those under the control of armed opposition groups constitutes an obstacle to evaluating the exact figures and understanding the trends and practices of various armed opposition groups or Government forces. According to the Secretary-General in his report of April 2012 to the Security Council on the subject, the year 2011 showed a decrease in documented cases of recruitment and use of children, with 45 cases documented instead of 115 in 2010 (A/66/782-S/2012/261, para. 109). The Secretary-General states that most of the cases are reported to be associated with various forces of the Government of the Sudan.[46]

110. Following reports of extensive recruitment activities by the Liberation and Justice Movement (LJM) in Darfur in 2011, targeting children among others, LJM signed in July 2012 a command order marking its commitment to ending the use and recruitment of children in its forces. The recruitment campaign was, according to various sources, an attempt by LJM to increase its membership following the signature of the Doha Document for Peace in Darfur and the disarmament of its forces. Disarmament, demobilization and reintegration registrations were under way during the Panel's final mission to the Sudan. Meanwhile, JEM issued a command order in which it requested its troops to fully adhere to the international and local

[45] The status-of-forces agreement was signed by both parties in February 2008 and provides the legal framework for UNAMID operations, freedom of movement, security, safety, etc.

[46] Of the 45 cases, 7 were perpetrated by the Sudanese police forces; 5 by the Border Intelligence Forces; 5 by Central Reserve Police; 14 by pro-Government militias; 5 by SLA/AW; 3 by the Popular Defense Forces; 1 by the Sudanese armed forces; 1 by SLA/MM; 1 by JEM; and 3 by unidentified armed groups.

laws governing the protection of children in armed conflict.[47] On the other hand, the Government of the Sudan is yet to adopt the action plan to end all association of children with armed forces, which remains under review.[48]

111. During interviews conducted by the Panel in December 2012, reliable sources said that all command orders issued by armed opposition groups should be treated with caution, until action plans are adopted and full access provided to the Task Force on Children in Armed Conflict. The Panel received allegations of use of children by some armed opposition groups and Government forces in Darfur. It was, however, impossible, owing to lack of access to areas of military operations, to verify the allegations.

C. Violations of international human rights[49]

1. Right to life

112. Violations of the right to life continue to be reported in Darfur. While some allegations could not be verified owing to limitations of access and fear on the part of eyewitnesses, the Panel focused on illustrative cases where possible.

113. On 30 and 31 July 2012, there were demonstrations in Nyala, mainly led by students, with a wide participation of women, in protest against fuel price rises and austerity measures. The demonstrations were initially peaceful and none of the eyewitnesses interviewed by the Panel knew what had triggered the violence on the second day. The Panel verified the use of excessive violence and live bullets against the protestors, who included young students. When the shooting began, the demonstrators reportedly dispersed and some attacked a petrol station that was thought to be supported by NISS and that was responsible for distributing fuel. Others allegedly threw stones at the office of the General Prosecutor in Nyala. Eyewitnesses stated that NISS members were among the police troops sent to disperse the protestors. One reliable source and eyewitness informed the Panel that, while the police were controlling the crowd on the first day, the second day was marked by a heavy NISS presence, most in plainclothes and carrying weapons. Seven protestors, including a woman, were confirmed killed by live bullets, while another 14 were wounded. Some sources told the Panel that the figures might be higher but a lack of access to the town and hospitals in the aftermath prevented any proper documentation of the exact toll. Some of the wounded might have been discharged early if they had suffered only light injuries. According to a reliable source, three people were in very serious condition and could later have died from their wounds. Four demonstrators were killed by the owner of the above-mentioned petrol station. Another two were allegedly killed a distance away from the demonstrations, one by a bullet to the head fired by a NISS member. Civilians and members of the private sector were angry and blamed NISS for corruption since it was in charge of controlling fuel distribution in Nyala. While people were queuing for hours to obtain their share, fuel was being released and sold on the black market

[47] http://unamid.unmissions.org/Default.aspx?tabid=11027&ctl=Details&mid=14214&ItemID=19708&language=en-US.

[48] The issue is covered in more detail in paragraph 117 of the Panel's report under the previous mandate.

[49] Annex VI to the present report contains the international human rights law framework.

in the town. Interviews with many credible sources[50] indicate that the owner of the petrol station who shot the four demonstrators had links with, and his petrol station was protected by, NISS.

114. In August 2012, the Panel met the commission of inquiry that had been appointed by the Ministry of Justice to look into the events in Nyala, along with a local commission of inquiry at the state level in Nyala. The commissioners informed the Panel that they had confirmed a total of seven deaths and some 19 injuries as a result of the demonstrations. Four people had been killed and a few injured, according to the commissioners, by the owner of the petrol station, who had seen them attacking his station. He had been detained pending trial. Another perpetrator was identified as an NISS associate who had chased and killed a 17-year-old boy. The prosecutors informed the Panel that that case was with the NISS director in Khartoum who would decide whether to waive the perpetrator's immunity. Two cases remained under investigation. The above facts notwithstanding, the prosecutors stated that all the shootings had not been intentional and had been instigated by the demonstrators, who had been violent. They said that more than 47 police officers had been injured, albeit none seriously, and property destroyed. They praised NISS for cooperating with the commissions and said that the immunities of NISS agents were not a problem, given that immunity would always be waived upon request.

Figure X
Broken glass at the office of the General Prosecutor in Nyala

Source: Taken by the Panel, December 2012.

[50] Interviews with reliable sources whose identities cannot be revealed for their safety, held in August, September and December 2012, mainly in Nyala.

115. In September and December 2012, the Panel repeatedly asked, through its appointed focal point, to again meet the commission of inquiry to follow up on its findings and to ascertain why the cases had not yet gone to court. The Panel's request was not granted. According to information gathered by reliable sources,[51] some of the perpetrators have since been released. No immunities have to date been lifted.

116. Throughout the past years, discrimination against Darfurian students in Khartoum has been a source of protest among the Darfurian student movement, which has suffered from numerous human rights violations, even outside Darfur. On 6 and 7 December, the bodies of four Darfurian students were found dumped in an irrigation canal in Khartoum, after they had taken part in a protest against the refusal by the University of Gezira to waive the fees for Darfurian students, as stipulated in the Doha Document for Peace in Darfur. On 2 December, before the protests, students had reportedly been arrested by NISS for submitting their claims for the fees to be waived. On 5 December, the sit-in that led to the deaths of the four students was reportedly interrupted by the police and NISS, who chased the students from the university campus and close to the irrigation channel where they were beaten and assaulted. The deaths prompted demonstrations and further violence among students and Darfurians in Khartoum.

2. Right to freedom from arbitrary arrest and detention

117. Arbitrary arrests and detentions remain widespread in Darfur, mainly perpetrated by NISS. The Panel was informed of cases of such arrests by the Military Intelligence but was unable to gain access to any victims or reliable sources. From August to December 2012, the Panel documented 35 cases of arbitrary arrest and detention in Southern Darfur alone,[52] where civilians, lawyers, humanitarian workers and political activists appear to suffer largely from NISS intimidation and control.

118. Limitations on freedom of assembly and association and freedom of expression are often at the core of violations of the right to freedom from arbitrary arrest and detention in Darfur. Students continue to be arrested on the basis of their political activities or participation in demonstrations. The Panel documented numerous cases of lawyers, members of political parties and students who were either arbitrarily arrested, or summoned daily to NISS, in relation to their suspected political activities and beliefs. At least eight people were arrested before or after the deadly demonstrations in Nyala. Information collected by the Panel suggests that detainees are often categorized, and subsequently treated, according to their belief or affiliation: secular, members of armed opposition groups, members of certain political parties, etc.

119. NISS uses summons to intimidate human rights or political activists and humanitarian workers and to curb their activities. A number of cases illustrate the

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[51] For reasons of safety and confidentiality, the identities of these sources cannot be revealed.

[52] The Panel conducted extensive interviews in August, September and December 2012 with reliable eyewitnesses and sources who will not be named for reasons of safety. The Panel had access to complaints filed by some of the victims and to primary sources of evidence, medical reports and pictures, among others. The work of the Panel was hindered by an incident encountered by the international humanitarian law and aviation experts described in paragraph 18, when they were asked to reveal their programme of work and meetings in Nyala.

practice of temporary arrests where people are released without charge but then requested to report to NISS on a daily or weekly basis.

3. Right to freedom from torture and other cruel, inhuman or degrading treatment or punishment

120. Incommunicado detention for extended periods of time increases the risk of torture. The extensive powers accorded to NISS under the 2010 National Security Act hence put detainees at increased risk of torture. The Panel was able to document 15 cases of torture at the hands of NISS between September and December 2012.[53] A large number of those affected were minors. Depending on the case, NISS used collective or individual torture. Practices such as stripping detainees, dipping them in sewage and whipping them were described to the Panel. Detainees were also placed in the sun and forced to make small recurring jumps. Some had their hands bound and were hung from windows for three to five hours. Before they were released, most were forced to sign statements in which they committed themselves not to engage in political or other related activities. While some feared filing claims against NISS, others have done so but await the results of those claims. Testimonies indicate that discrimination exists even during the act of torture in Darfur. The excessive cruelty of techniques used against Darfurians in comparison to those commonly referred to as "Arab northerners" indicates that, even among one group of detainees, those originally from Darfur receive harsher treatment.

121. On 11 November 2012, seven young men were reportedly arrested in Nyala by NISS. The reasons for their arrest remain unknown because they were not engaged in any political or civil society activities. Three of them were reportedly tortured, while the others were orally intimidated or insulted. Two were badly whipped and had battery acid thrown on their arms, causing severe burns that would require reconstructive surgery. They were released but no investigations have to date been opened into their torture.[54]

4. Right to effective remedy for serious human rights violations

122. The Panel continued to observe the proceedings of special courts in Darfur.[55] Notwithstanding slow improvements in some areas, such as individual cases of sexual and gender-based violence, there remains a general blackout on war crimes and crimes against humanity committed in Darfur. A number of investigations led by the office of the Special Prosecutor for the crimes committed in Darfur in the past or prompted by an executive authority such as the Governor of Northern Darfur, in relation to the Abu Zereiga killings (see para. 124), remain incomplete. Perpetrators of human rights violations linked to the conflict are seldom brought before the courts. Immunities continue to pose a significant impediment to justice.

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[53] The Panel conducted extensive interviews in August, September and December 2012 with reliable eyewitnesses and sources who will not be named for reasons of safety. The Panel had access to complaints filed by some of the victims and to primary sources of evidence, medical reports and pictures, among other things.

[54] The reliable sources and documents provided to the Panel are not revealed for reasons of safety and confidentiality.

[55] This matter was covered in some detail in paragraph 130 of the Panel's report under the previous mandate.

123. On 18 June 2012, a new Special Prosecutor for the crimes committed in Darfur was appointed following the resignation of his predecessor. On 12 December 2012, the Panel met the Special Prosecutor and his office in El Fasher.[56] He informed the Panel that his office had inherited 23 cases divided between three states in Darfur. Five cases are currently being tried. Some of the cases are:

(a) *The Tabara massacre on 2 September 2010*. In a reported retaliation attack, members of an Arab tribe attacked Tabara market, killing 53 civilians[57] and injuring others. Although the file was opened on 3 September 2012, only three suspects have to date been arrested. The Prosecutor said that, while others have been identified, their location could not be determined. Consequently, the case remains pending;

(b) *Sigilli killings*. Suspects have been arrested, including members of the Sudanese armed forces who do not enjoy immunity. The remaining suspects are yet to be arrested;

(c) *Attack on UNAMID peacekeepers that led to the deaths of four Nigerian peacekeepers in Western Darfur*. According to the Special Prosecutor, the attack was for the purpose of stealing military equipment and the perpetrators have taken refuge in armed organized group territory;

(d) *Attack on a Central Reserve Policy convoy in 2010*.[58] Ten JEM defendants had been brought before the Special Court in Nyala. Three had been estimated to be children and released, while seven had been sentenced to death and crucifixion in November 2011. *Diya* (blood money) is, however, currently being discussed with the families of the victims and the execution has been put on hold until a decision can be reached.

124. The Panel observed that the identification of perpetrators was deemed a reason not to launch investigations, which was the answer given to the Panel in the case of, for example, Abu Zereiga, where more than 17 civilians were allegedly killed.[59] The many cases held and lately initiated by the Special Prosecutor's office notwithstanding, faith in the judicial system remains scant and it is up to the office, not only by prompting investigations but also by ensuring that they are completed and the perpetrators brought to justice, to improve its credibility and that of the courts in Darfur.

125. Out-of-court settlements often pose another obstacle to redress in Darfur. While this part of customary law fills a gap where access to courts and judicial recourse is not possible, it nevertheless leads to further human rights violations, such as in cases of, for example, sexual and gender-based violence. The Panel concluded that those practices were sometimes instigated by perpetrators, including NISS, to attempt to silence victims and their families.

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[56] The Panel's repeated requests to meet the former prosecutor were not granted.

[57] Other media and independent sources report that the number of deaths was higher than that registered by the Special Prosecutor.

[58] Details of the case are included in paragraph 131 of the Panel's report under the previous mandate.

[59] Details are included in paragraphs 123 and 134 of the Panel's report under the previous mandate.

(a) Immunities as an impediment to redress for human rights violations

126. It is impossible to speak of redress for human rights violations in Darfur without mentioning some of the Sudanese legal framework that is partly responsible for allowing these violations to continue with total impunity. Emergency laws remain in place in Darfur. The 2010 National Security Act allows NISS agents and their associates to arrest and detain people without judicial oversight for up to four and a half months.[60] Furthermore, under article 33 (3) of the Act, NISS agents are provided with immunity for acts committed in the course of their work, which can be waived only by the NISS director when there is evidence that the acts are unconnected to the agent's work. While the Government's response to this immunity continues to be[61] that it is a procedural immunity that could be removed, it nevertheless is an impediment to justice in Darfur, given that NISS agents are seldom stripped of their immunity as they should be automatically. Cases such as those documented by the Panel show that NISS agents continue to benefit from extensive powers that they use to commit grave human rights violations.

127. During the Panel's most recent meeting with Government representatives in Khartoum, the Ministry of Justice focal point[62] replied to the question of NISS human rights violations and the need to remove the immunities and extensive powers of arrest and detention of NISS. He stated:

> Emergency acts are an act of sovereignty and constitute a problem only if breaches occur. The same applies to the 2010 National Security Act, which puts in place guarantees against human rights violations, such as the removal of immunities. Individual violations happen but they count only if they are systematic, and the exceptions are not the rule.

128. The Panel reminds the Government that the protection of human rights is an individual right that belongs to all and that perpetrators of any violations should be promptly brought to justice and their victims given access to effective remedies. Furthermore, protection against torture or other cruel, inhuman or degrading treatment or punishment extends beyond the absolute ban on torture, given that it holds States responsible for actively and effectively investigating any allegations of torture and holding the perpetrators accountable. General comment No. 20 of the Human Rights Committee, on article 7 of the International Covenant on Civil and Political Rights, specifies that the responsibility to prosecute, and hence remove any immunities enjoyed by, perpetrators of acts of torture or other forms of ill-treatment extends to anyone acting in their official capacity, outside their official capacity or in a private capacity.

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[60] Article 50 of the 2010 National Security Act stipulates that NISS can arrest and detain any suspected person without judicial overview for up to 30 days. That period could then be extended by 15 days upon consideration of the NISS director, then by another three months in total on the orders of the National Security Council.

[61] Closing meeting with the Government focal point and his office in Khartoum in December 2012. For more information on the Government's position regarding immunity, see A/HRC/5/6, annex II, para. 1.4.1.

[62] During its mandate, the Panel repeatedly requested to meet various members of the Ministry of Justice but its requests were not granted. In addition, it did not receive written answers to its official queries.

Figure XI
NISS motorcycle operated without a registration plate number in Darfur

Source: Taken by the Panel, September 2012.

D. Sexual and gender-based violence

129. Limitations of access to areas affected by recent fighting, the isolation of rural areas, fear of reporting and lack of protection for workers and non-governmental organizations in Darfur all continued to be impediments to understanding the exact extent of sexual and gender-based violence and being able to have a clear overview of the numbers of cases that occur. Between January and November 2012, 125 cases of rape were reported in Darfur, according to UNAMID.

130. The Panel recorded allegations that rape had occurred in internally displaced persons camps, such as Kutum, or in villages in the aftermath of attacks, such as the most recent aerial bombardments and attacks on the towns in Shawa locality and in eastern Jebel Marra. The Panel was unable to confirm those cases.

131. The Panel notes that, today, sexual and gender-based violence is not used as a systematic violation of international humanitarian law during attacks on villages and internally displaced persons camps. Although it is linked to the conflict and its impact in terms of insecurity, impunity and absence of the rule of law, the Panel's findings show that it is currently neither organized nor systematic. Extensive interviews conducted by the Panel with victims and interlocutors show that most cases occur as a result of insecurity, inside and outside camps, during firewood collection or on the way to farms. Those cases reported in the aftermath of attacks on villages or camps appear to be the results of opportunistic attacks by armed elements. While, in most cases, victims speak of "unidentified" men who are often armed, a number of cases in the vicinity of camps and in towns point towards elements of Government regular or paramilitary forces as perpetrators. The proliferation of small arms, insecurity, the absence of law and order and, in the main, impunity remain the principal causes of sexual and gender-based violence in Darfur.

X. Financing of armed opposition groups

132. The armed opposition groups have been constant in their attacks on the Sudanese armed forces. Since January 2012, there have been major confrontations between the groups and the Sudanese armed forces in Darfur. That these groups have been able to sustain themselves over a protracted period, in particular when previous allies had withdrawn support (see previous reports of the Panel), would lead to the inference that they are finding new sources to sustain their existence and activities. The Panel received allegations that criminal networks are taking advantage of the porosity of the borders to smuggle commercial goods and weapons.[63] Armed opposition groups also benefit from the porous borders to smuggle fighters.

133. This was borne out by statements by some representatives of an armed opposition group in a recent interview.[64] The groups need a constant supply of food, vehicles (including spare parts and tyres), fuel, communications equipment, weapons and ammunition to conduct their day-to-day operations and to support their fighters. Several rebels stated that they met their needs from the local or cross-border contraband market. Local businessmen and traders would readily take the risk of purchasing goods in Chad, South Sudan and Uganda, smuggling them to Darfur and selling them to various armed opposition groups. They would generate profits from this cross-border contraband. Armed opposition group representatives noted that traders from El Fasher and even from Omdurman would sell them what they required.[64]

134. As an example, the rebel representatives noted that the Government was controlling fuel supply in Darfur by restricting it to 1 gallon per person.[64] The armed opposition group, however, has no problems in meeting its fuel needs from Darfur via the notorious uncontrolled porous border or from the black market.

135. They added that their requirements in terms of vehicles and ammunition were satisfied by what they seized from Government forces in the course of the conflict. The Panel assesses that the procurement of vehicles could be either consequent to seizures from the Sudanese armed forces, carjacking or outright purchase. These issues have been investigated by the Panel under previous mandates (see S/2009/562, paras. 155-162, and S/2011/111, para. 170).

136. Procurement would necessarily involve a substantial injection of funds. Financial transactions are made in cash and sometimes outside the Sudan. Sources of financing and weapon acquisitions are opaque and a major concern for the Panel. It appears that armed opposition group leaders often depend heavily on political and economic support from the local population (including people living in Sudanese regions outside Darfur) and diaspora networks.[65] Their daily operations would not be possible without local, regional and international networks of political and financial support. It also appears that armed opposition groups have invested in some local or regional businesses.

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[63] Interviews conducted with armed opposition group representatives in Doha in November 2012 and in N'Djamena in December 2012.

[64] Interview conducted in Kampala with rebel representatives in September 2012.

[65] Interviews conducted with armed opposition group representatives in Kampala in September 2012, in Doha in November 2012 and in N'Djamena in December 2012.

137. It is difficult to uncover such clandestine businesses and their financial and illegal networks. While the Panel currently has no cogent evidence pointing to any recent purchases or financial support, it considers that the revenue streams of armed opposition groups can be categorized as follows:

(a) Checkpoints,[66] extortion and illegal taxation, carjacking and looting of Government equipment and supply;

(b) Commerce, trade and contraband;

(c) Local or national support;[67]

(d) Diaspora support;[68]

(e) External support;[69]

(f) Potential exploitation of natural resources, such as gold in the Hashaba area.[70]

138. Owing to logistical issues and the denial of entry of the recently appointed finance expert into the Sudan by the Government, the Panel was unable to uncover some of those revenue streams that require further investigation.

XI. Implementation of the travel ban and assets freeze

139. Pursuant to paragraph 3 (d) of resolution 1591 (2005), all States are to take the necessary measures to prevent entry into or transit through their territories of all persons as designated by the Committee. Pursuant to paragraph 3 (e), all States are to freeze all funds, financial assets and economic resources that are on their territories and that are owned or controlled, directly or indirectly, by the persons designated by the Committee, or that are held by entities owned or controlled, directly or indirectly, by such persons or by persons acting on their behalf or at their direction. All States are also to ensure that no funds, financial assets or economic resources are made available by their nationals or by any persons within their territories to or for the benefit of such persons or entities.

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[66] According to some UNAMID reports, patrols reported the existence of informal checkpoints established by various armed opposition groups to collect money and fuel from vehicles.

[67] According to several armed opposition group representatives interviewed in Uganda in September 2012, in Qatar in November 2012 and in N'Djamena in December 2012, armed opposition groups receive financial and political support from Sudanese (mainly Darfurians) living within the country's borders. They are involved in all professions, including business, trading and politics.

[68] According to several armed opposition group representatives interviewed in Uganda in September 2012 and in Qatar in November 2012, members of the Darfurian diaspora (living mainly in Australia, Egypt, France, Qatar, Saudi Arabia, the United Arab Emirates, the United Kingdom and the United States) continue to provide financial and political support to armed opposition groups operating in Darfur.

[69] Since the fall of the Qadhafi regime in Libya and the border agreement between the Sudan and Chad, the supply of resources to armed opposition groups from neighbouring countries might have been affected.

[70] In 2012 and early in 2013, UNAMID and the local Sudanese press reported the existence of clashes in the Hashaba area between the natives of Hashaba, supported by SLA/MM, and a militia group over a gold-mining site.

A. Four designated individuals

140. The individuals listed below were sanctioned by the Security Council in paragraph 1 of its resolution 1672 (2006). No person or entity has been designated or removed from the sanctions list since April 2006, the continuing conflict in Darfur notwithstanding.

1. Major General (ret.) Gaffar Mohamed Elhassan, (former) Commander of the Western Military Region for the Sudanese armed forces

141. The Panel met Major General (ret.) Gaffar Mohamed Elhassan on 17 October 2012 in Khartoum. He claimed that he had not been investigated properly and that he had been unaware that he was being investigated or designated. He noted that he had been informed through the media while still in service. He added that he had not discussed the alleged events that led to his designation with any member of the Panel. With regard to the allegations on the basis of which he had been listed, he claimed that the alleged event had never happened. He noted that, had the event taken place, it would have been reported by the "joint commission" established under the humanitarian ceasefire agreement of 28 April 2004 to monitor military movements. In addition, he claimed that, as a commander of the Western Military Region (all of Darfur), he lacked the authority to order any movements of troops and/or equipment from Khartoum. He suggested that only the Ministry of Defence could have issued such orders.

142. He added that he had been forced to retire following his designation by the Committee and that the Government had taken no action to freeze his salary or assets.[71] He concluded that the Panel was a politicized body that operated on personal judgements and lacked knowledge of actual events. He accused the Panel and the Committee of working against the Government of the Sudan.

2. Sheikh Musa Hilal, Paramount Chief of the Jalul Tribe in Northern Darfur

143. The Panel was unable to meet Sheikh Musa Hilal, several official requests and attempts made to the focal point during this mandate notwithstanding. He is currently a member of the National Assembly and, in 2008, was appointed by the President as a special adviser to the Ministry of Federal Affairs.[72]

144. The Panel obtained credible information that he is currently receiving a salary and allowances from the Government in violation of the financial sanctions. According to several sources, he owns or controls several businesses and a significant number of camels.

145. The Government took no steps towards implementing paragraph 3 (e) of resolution 1591 (2005). It neither requested nor received an exemption from the assets freeze from the Committee to make such payments in accordance with paragraph 3 (g) of the resolution.

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[71] He confirmed his date of birth as 24 June 1952 and his ex-serviceman's identification card number as 4302. He currently lives in El Waha, Omdurman. He earns 1,300 Sudanese pounds per month from renting out a section of his house, which he acquired with his retirement funds. He claims that he has no other means of livelihood, nor any other business.

[72] "Profile: Musa Hilal from a convicted felon to a Government official", *Sudan Tribune*, 22 January 2008. Available from www.sudantribune.com/PROFILE-Musa-Hilal-from-a,25660.

3. Adam Yacub Shant, Sudanese Liberation Army Commander

146. The Panel could not identify Adam Yacub Shant, who also goes by the name of Adam Yacub Sharif. According to well-informed sources within various rebel factions, however, SLA had a field commander named Adam Yacub Sharif Fadl, alias "Bambino", who commanded SLA soldiers in Northern Darfur in 2005.[73] It is noteworthy that the consolidated travel ban and assets-freeze list mentions that SLA soldiers under the command of Adam Yacub Shant violated the ceasefire agreement by attacking a Government military contingent that was escorting a convoy of trucks near Abu Hamra, Northern Darfur, on 23 July 2005, killing three soldiers. It is also noted that, after the attack, Government military weapons and ammunition were looted. The Committee decided to designate Shant as he must have had knowledge of and approved or ordered the above-mentioned attack and because he bore direct responsibility for the attack and met the criteria for being listed.

147. In a communiqué published on 7 June 2012, SLA/MM mourned the death of Adam Yacub Sharif, alias "Bambino".[74] According to several sources within rebel factions, Adam Yacub Sharif travelled on several occasions to Egypt to receive medical treatment for cancer, in violation of the travel ban imposed pursuant to paragraph 3 (d) of resolution 1591 (2005).[75] As noted on Sharif's passport copy, he travelled outside the Sudan from 26 July 2010 to 11 November 2010 (see annex VII to the present report).

4. Gabril Abdul Kareem Badri, National Movement for Reform and Development Field Commander

148. Khalil Abdallah Adam, Minister of Social Affairs in Northern Darfur and founder of the National Movement for Reform and Development and formerly of JEM, offered to organize a meeting between the Panel and his former subordinate, Gabril Abdul Kareem Badri, alias "Tek".[76] The Panel could not meet owing to logistical issues, however. Khalil Abdallah Adam confirmed that Tek currently lives in the Sudanese town of Tine, on the border between the Sudan and Chad, and that he travels frequently to El Fasher.

149. The Panel confirmed that Tek was in Doha from 22 August 2010 to 2 August 2011, where he was part of the LJM delegation to the Darfur negotiations that took place between 2010 and 2011, sponsored by the Government of Qatar and the African Union-United Nations Joint Mediation Support Team.[77] This could be considered to be a violation of the travel ban, given that no request for exemption was submitted by any party sponsoring the reconciliation effort, even though a relevant procedure for such exemption was established in paragraph 3 (f) of

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[73] A copy of the passport of Adam Yacub Sharif Fadl is provided in annex VII to the present report.

[74] See www.slm-sudan.com/arabic/?p=5936. An English translation is provided in annex VIII to the present report. In addition, on 4 November 2008, a statement announcing the dissidence of some JEM political and military officials mentioned the name of Adam Yacub Sharif "Bambino" — Deputy Chief of Staff/Administration (http://zaghawa-ita3.blogspot.com/2008/11/topmove1983324693-topmoveselect19833246.html).

[75] Interviews conducted with Authority members and Khalil Abdallah Adam, Minister of Social Affairs in Northern Darfur, founder of the National Movement for Reform and Development and formerly of JEM, in November 2012.

[76] The Panel met the Minister on 11 November 2012.

[77] Telephone interviews with Khalil Abdallah Adam on 12 and 22 January 2013.

resolution 1591 (2005). As Tek has joined the Darfur reconciliation, the Panel recommends that the Committee review his case.

B. Amendments to identifiers and acronyms

150. The Panel recommends the following amendments to the designation list:

(a) Major General (ret.) Gaffar Mohamed Elhassan has retired from the Sudanese army and currently resides in El Waha, Omdurman. His date of birth is 24 June 1952 (not 1953 as stated in the list of individuals subject to the measures imposed by paragraph 3 of resolution 1591 (2005)) and the number of his ex-serviceman's identification card is 4302;[78]

(b) Sheikh Musa Hilal is currently a member of the National Assembly. In 2008, he was appointed by the President as a special adviser to the Ministry of Federal Affairs;

(c) Adam Yacub Shant's correct name is Adam Yacub Sharif. He reportedly died on 7 June 2012;

(d) Gabril Abdul Kareem Badri is also known as Tek. He lives in Tine on the Sudanese side of the border with Chad.

C. Implementation by the Government of the Sudan

151. The main obstacle that the Panel constantly faced during its mandate was the lack of response or incomplete information provided by the Sudanese authorities to whom official and unofficial requests for information were addressed.

152. The Panel submitted a questionnaire on 7 June 2012, seeking clarification in relation to an official statement provided to the Panel under the preceding mandate by the Ministry of Finance on the implementation of the travel ban and assets freeze. In August 2012, the Ministry of Finance informed the Panel that the Government could implement the sanctions only pursuant to an order passed by a specially constituted court. The Panel has sought to ascertain whether a court or other relevant body has been formed and whether any order has been issued to implement the assets freeze. The Panel has neither received a response to the questionnaire nor been able to make an appointment with the Ministry of Justice.

153. As noted earlier, the Government took no steps towards implementing paragraph 3 (e) of resolution 1591 (2005). It did not request or receive an exemption from the assets freeze from the Committee to make payments to Major General (ret.) Gaffar Mohamed Elhassan and Sheikh Musa Hilal in accordance with paragraph 3 (g) of the resolution. Various Sudanese officials informed the Panel that the travel ban was not applicable to Major General (ret.) Elhassan and Sheikh Musa Hilal and confirmed that the Government had not implemented the travel ban on the other two individuals.

154. In the absence of any input from the Government, the Panel concludes that no action has been taken in terms of paragraph 3 (d) of resolution 1591 (2005). The Government has also not honoured paragraph 13 of resolution 2035 (2012) and

[78] Interview with Major General (ret.) Gaffar Mohamed Elhassan on 17 October 2012.

previous relevant resolutions, in which all States were urged to report to the Committee on the actions that they had taken to implement the measures imposed by resolutions 1591 (2005) and 1556 (2004), including imposition of targeted measures.

155. The payment by the Government of a pension to Major General (ret.) Elhassan and of a salary and allowances to Sheikh Musa Hilal constitutes a violation of the targeted financial sanctions imposed under resolution 1591 (2005), given that all States, including the State of nationality, are to implement the assets freeze imposed by the Committee.

156. To identify the assets of the four designated individuals, the Panel required access to relevant records, such as the registration of companies either in the name of the designated individuals or in the name of anyone acting on their behalf, and declarations of income by the designated individuals to the tax authorities. This information was sought in the questionnaire submitted on 7 June 2012. The Panel was orally advised, in December 2012, by the Panel's focal point within the Government that no written responses would be provided and that the information could be obtained in the course of meetings with representatives of the ministries concerned. The Panel has received no response to its requests for such meetings.

D. Implementation by other Member States

157. As regards the implementation by Member States of the travel ban and assets freeze, the Panel's main obstacle has been the lack of response or incomplete information provided by Member States, especially those in the region, to whom official and unofficial requests for information were addressed. In line with the Panel's methodology, it is essential for the Panel to obtain the relevant details from national immigration authorities. In the main, this information has not been forthcoming, although it was partially provided by two countries.

158. Pursuant to paragraph 3 (a) (vi) of resolution 1591 (2001), all States, particularly those in the region, are required to report on the specific steps that they have taken to implement the measures imposed by paragraphs 3 (d) and 3 (e) of the resolution. Since such steps would be pertinent to determining the efficacy of the implementation of the sanctions, the Panel has addressed requests to several Member States and banks for their reports, to which only a few responses were received.[79]

159. Regarding the possession of assets in other countries, several letters have been addressed, mainly to countries in the region and elsewhere, such as Ethiopia, Qatar, South Sudan, Uganda and the United Arab Emirates. Many Member States, in particular those in the region, have not responded to the Panel's enquiries about steps taken to implement the measures, such as notifications incorporating the sanctions into their domestic legislation, or notifying, through an official decree, the names of the individuals subject to the assets freeze and travel ban. Member States should ensure coordinated dissemination of information at the level of governmental and non-governmental organizations and take specific steps to ensure the implementation of sanctions.

[79] See annex IX to the present report for a summary of the Panel's ongoing communications.

160. During a meeting with the Ugandan authorities in Kampala on 8 September 2012, the Panel was informed that immigration and security agencies at all border points had been notified and that the four designated individuals had been placed on the watch list. The Panel requested a copy of the legislation or notification implementing the sanctions on the designated individuals, but no such material had been received as at 16 January 2013.

161. The Panel acknowledges the response of the United Arab Emirates, on 10 September 2012, in which it noted that the Central Bank had issued a circular to all banks and financial and investment institutions in which it had requested them to provide any information on the assets of the four designated individuals. In addition, during an official meeting with the authorities of the United Arab Emirates in Abu Dhabi on 26 November 2011, the Panel learned that the Central Bank had reported that it had found no records and that the four designated individuals had no financial accounts in any banks and financial institutions operating in the country. The representative of the Ministry of Foreign Affairs noted that the Permanent Mission of the United Arab Emirates to the United Nations would submit an official letter to the Panel to report the findings of the Central Bank. The Panel had received no further details in that regard as at 16 January 2013.

162. The Panel also requested the authorities of the United Arab Emirates to supply additional information relating to the letter from the Permanent Mission of the United Arab Emirates to the United Nations dated 7 July 2009 and especially with regard to the two designated individuals Adam Yacub Sharif Shant and Gabril Abdul Kareem Badri, who had been deported from the United Arab Emirates. The Panel informed the officials that it needed to know the dates of deportation and all the personal details of the two individuals (such as nationality, passport number, date of birth and photograph). Such information would be important to revise the designation list currently before the Committee. The Panel had received no further details in that regard as at 16 January 2013.

163. The Panel has also initiated the practice of addressing requests for information to major banks in all neighbouring countries to ascertain whether any assets of the designated individuals are held there. One bank based in the United Arab Emirates responded, indicating that, pursuant to the national regulations, banks could not correspond with international organizations directly, only through the Government.[79] The Panel strongly feels that this regulation can only hinder the implementation of the relevant Security Council resolution. Insofar as designated individuals are concerned, it should be incumbent on all institutions to respond positively to the Panel's requests for information. This also strongly underlines the requirement for Member States to immediately put in place measures to effectively implement the sanctions, which should include a provision for direct responses by banks to the Panel. Member States should, in cases in which direct communications between the Panel and banks are not permitted by local laws, take responsibility for responding to the Panel's request. The Panel since addressed a communication to the Member State concerned for the necessary information but had received no further details as at 16 January 2013.

164. Some requests for information dispatched during previous mandates have been replied to by Member States, who are of the view that the information contained in resolution 1672 (2006) is insufficient to adequately impose measures. The Panel sought to obtain additional and precise identifying information about the four

designated individuals and to make such information available to the Committee. Additional details, such as copies of identity documentation, a description of the person and a photograph, would assist Member States in effectively enacting the relevant measures for the implementation of paragraphs 3 (d) and 3 (e) of resolution 1591 (2005).

165. The Panel observes that, since 2006, no individual or entity has been added to the sanctions list and that the designation of the four individuals has had no impact on the continuing conflict in Darfur. The Panel is of the view that the Committee may need to assess the impact of the measures on the armed conflict in Darfur and to review past proposals for designation submitted by the Panel under previous mandates, and to list where appropriate.

166. The Panel anticipates practical implementation of the agreement between the Committee and the International Criminal Police Organization on special notices with regard to the designated individuals listed under resolution 1672 (2006), which was signed on 20 November 2012.

XII. Political process and progress towards removing impediments to the peace process

A. Progress of the Doha Document for Peace in Darfur

167. Undoubtedly, there have been tangible but partial advances in the implementation of the Doha Document, which have been attributed equally to the signatories.

168. Although the provisional timetable for the implementation of the Doha Document has been revised and amended, the institutional framework of the Darfur Regional Authority is almost complete. The Government of the Sudan has appointed ministers and parliamentarians at the central and regional levels, in addition to the Public Prosecutor for the Special Court. The Authority now has, at its headquarters in El Fasher, its own infrastructure, logistics and buildings. The buildings also house the ministries under its authority.

169. The Authority strives to compensate for its limited human resources, who are almost exclusively recruited from the ranks of the Liberation and Justice Movement, by working with the International Republican Institute. This organization, based in the United States, has, with the support of UNAMID, organized training courses and workshops on career development and capacity-building for young men and women.

170. Furthermore, the various reconstruction and development microinitiatives undertaken jointly by the Authority and the central Government, in addition to the house-building projects announced by Qatar and the United Arab Emirates that offer free financing of $30 million to $50 million, all continue to fall short of expectations. This funding is part of a joint effort with the Authority, which has initiated the voluntary return process for displaced persons. UNAMID recorded the voluntary return of 63,000 displaced persons during the first half of 2012 to areas that are basically secure but where key infrastructure is lacking.[80]

[80] According to UNAMID, some 140,000 displaced persons returned voluntarily in 2011.

171. The Authority is being assisted by UNAMID in campaigns to disseminate the Doha Document. It is also working to promote a culture of peace and reconciliation. The All Darfur Stakeholders Conference, organized by the Authority in El Fasher from 10 to 12 July 2012 and attended by some 1,000 representatives of various sectors of civil society, was held with a view to achieving consensus on conditions conducive to bringing about and consolidating peace and development.

172. Concurrently, the Authority is involved, in conjunction with UNAMID, in identifying a development strategy and participates in the efforts of the Darfur Joint Assessment Mission to define major reconstruction and development initiatives for Darfur, to be submitted to the international donors conference. This conference, which has already been postponed twice, is now scheduled to be held in Doha early in 2013.

B. Obstacles to the implementation of the Doha Document for Peace in Darfur

173. These advances are still far from fulfilling the mutual commitments made nearly 18 months ago by the co-signatories and from meeting the expectations of local communities, displaced persons and refugees. According to Bahr Abu Garda, the Federal Minister of Health and Secretary-General of LJM, only 30 per cent of the commitments made by the partners have been carried out. He plays down his group's responsibility by pointing to the obligations of the Government of the Sudan.[81]

174. For example, during their meetings with the Panel, representatives of the Tawila camps deplored the lack of communication from, and visits by, Authority officials. These shortcomings have given rise to an acute sense of abandonment, frustration and bitterness among the displaced.

175. At the institutional and administrative levels, insufficient human and financial resources have affected the operations and performance of ministries and of social and legal services. The delay in implementing the Doha Document has heightened collective frustration and serves as propaganda for rebel movements, which have cast doubt on the sincerity of the Government's commitment to peace.

176. Entire sections of the Doha Document have yet to be implemented and may be poisoning the atmosphere between the partners.

177. Impunity and dissension persist. Faced with the weakness and unwillingness to act of the judicial system, which lacks human and financial resources, Darfur, in particular the northern region, has seen an escalation of intertribal violence and revenge attacks — a founding tenet of tribalism. The deadly clashes that took place in Abu Dilek in 2012, where the Zaghawa killed 14 Berti and Mima, and the Berti reprisals against 10 Zaghawa in Sigilli in November 2012 bear witness to the intensification of tribal divisions and the continuing impunity. During its meetings with various individuals, the Panel learned of the involvement of rebel forces and Janjaweed militias in intertribal skirmishes.

[81] See the full text of the interview published on 18 December 2012 in the Sudanese daily newspaper, *Al-Mijhar al-Siyasi*.

178. Adding to the widespread instability are the age-old conflicts that persist between nomadic herders and farmers. Moreover, a lack of Government financial support has led Janjaweed militias and nomads to demonstrate their irredentism and to turn against the local authorities. The events in Hashaba were a stark example of this.

179. No progress has been made in respect of security arrangements, which in turn has delayed the implementation of the disarmament, demobilization and reintegration programme. Responsibility has proved to lie with LJM. The protagonists (the Government of the Sudan and LJM) contest the procedure for verifying the deployment of LJM forces. The verifications carried out by UNAMID have hardly been conclusive. Having failed to obtain reliable and comprehensive data from LJM, UNAMID has, to date, been unable to verify the positions of LJM troops and weaponry, given that the group has not provided detailed information on its command structure or on the number of soldiers that it has.[82]

180. At its second meeting, held in Khartoum on 15 October 2012, the Joint Commission of the Doha Document noted the failure to implement the security arrangements. It gave the Government and the Authority until 12 November 2012 to draw up a plan of action to settle the issue. It is the understanding of the Panel that, to date, this directive has gone unheeded.

181. The considerable delay in implementing the security arrangements has caused deep-seated unease within LJM, leading several of its factions, on 13 August 2012, to occupy the Ministry of Youth and Sports in El Fasher and to temporarily take the Minister hostage. Moreover, the deadlock over the security arrangements has led to a rift between the Authority/LJM and the Government, as illustrated by the dawn raid on 5 December 2012 by the Sudanese armed forces against a small LJM deployment comprising a dozen people and three vehicles, two of which were equipped with heavy weaponry. This small convoy was not permitted to enter El Fasher and was forced to position itself 3 km from the city, on the road to Kutum. According to the version of events provided to the Panel by LJM, and disclosed the same day in two separate statements, LJM had informed the El Fasher authorities (the Governor, the security services and the Sudanese armed forces) that it was coming to El Fasher. On the tenth day after the arrival of the LJM convoy at the holding site, however, the Sudanese armed forces attacked the convoy, killing two members of LJM and wounding three more, and confiscated the three vehicles.

182. The Panel witnessed the turmoil and emotion that this attack caused among the Authority and LJM leaders. In its statement, LJM refuted the version of events of the Sudanese armed forces high command and the Governor, who claimed that the convoy belonged to SRF and had come to attack El Fasher. This case has provoked distrust among the Authority/LJM, which has alluded to a conspiracy and the flagrant desire of the Governor and the Commander-in-Chief of the Sudanese armed forces to break with LJM. The Panel received a completely different version of events from the authorities, however, in which they indicated that the convoy consisted of SRF members. These sources established a close link between this incident and the refusal of the Authority/LJM to settle the security arrangements issue.

[82] The Government contests the number of LJM-trained fighters (42,000 to 47,000), believing most of them to be infiltrators.

183. Reportedly, LJM stressed in particular the responsibility of the Governor, General Uthman Mohammad Yusuf Kibir. In an interview with the press, the Federal Minister of Health stated that the Governor was the "main obstacle to implementation of the Doha Document, noting that, from the start, he had expressed his reluctance to implement it and, more recently, had behaved in an openly hostile manner towards DRA Chairperson".[81] That accusation, made by a partner in the political process, indicates the level of mistrust between the Authority/LJM and the authorities of Northern Darfur. It comes on top of repeated and consistent criticism gathered by the Panel from rebel groups and civil society "that points to the responsibility of the Governor of Northern Darfur, who is fuelling tribal clashes".[81] These accounts allege that he intends to create a broad coalition of armed "Arab" tribes to drive the Zaghawa back to their homeland, Dar Zaghawa.

184. Lastly, the failure of the Government to meet its financial commitments of $200 million at this stage is an obstacle to the implementation of the Doha Document. While citing the seriousness of the economic and financial crisis, the authorities have indicated to the Panel that, from the outset, the Government has allocated the Authority considerably more funds than the amount provided for in the Doha Document. For its part, the Panel was unable to obtain from the Ministry of Finance information concerning the share of the federal budget allocated to the five Darfur states and the Authority in particular.

185. In an interview with a Sudanese newspaper, Bahr Abu Garda, the Federal Minister of Health and LJM Secretary General, appeared to question the sincerity of the Government's commitment to implementing the Doha Document. Referring to the international donors conference, he urged the Sudan to honour its financial commitments first if it hoped to obtain financial support from the international community.[81] The Assistant to the President of the Republic, in charge of Darfur and head of the official delegation of negotiators in Doha, reportedly underscored, at the third meeting of the Implementation Follow-Up Commission of the Doha Document for Peace in Darfur, held in Doha on 28 May 2012, which the Panel did not attend, that the Government stood ready to honour its financial commitments at the international donors conference. In December 2012, he reiterated to the Panel the Government's commitment to honouring its financial obligations. On 16 January 2013, the First Vice-President, Ali Osman Mohamed Taha, announced, in Nyala, the allocation of 800 million Sudanese pounds in the 2013 budget for the Darfur Reconstruction and Development Fund.[83]

C. Threats to the political process

186. The confrontational stance taken by the Government of the Sudan and the armed opposition groups is inflexible. As such, it poses a significant threat to both aspects of the political process: the Doha Document and the peace negotiations.

187. The three main groups of the Darfur rebellion (SLA/MM, SLA/AW and JEM led by Gebril Ibrahim Fediel, which together comprised a significant part of SRF) are determinedly seeking to overthrow the regime by any means, including force,

[83] Hana Abdul Hai and Al-Sammani Awadallah, "Taha: Government allocates SDG 800 million to DDPD", *Sudan Vision*, No. 2,848 (21 January 2013). Available from http://news.sudanvisiondaily.com/details.html?rsnpid=218403.

and through tentative efforts to unite the opposition parties. The "New Dawn Charter", signed in Kampala on 5 January 2013 by all the members of SRF, including combatants, various political movements with disparate ideologies and civil society representatives, appears to have sealed the unification. This has led to an increased politicization of the conflict and has drawn the belligerents into a spiral of violence, where local populations are the primary victims. SRF relentlessly engages in armed clashes, which it very often instigates. For their part, the Sudanese armed forces respond with disproportionate force by carrying out air strikes, the impact of which the Panel has been unable to assess.

188. Under these conditions, the continuing armed struggle has created new zones of tension. It also undermines the Authority's efforts and constitutes a major obstacle to the implementation of the Doha Document, which SRF continues to reject. Moreover, the JEM leader, Gebril Ibrahim Fediel, in a public statement on 13 November 2012, urged the international community not to assist with the financing of renovation and reconstruction projects in Darfur. These projects, developed jointly with the Government of the Sudan, the Authority and international partners, will be considered at the international donors conference. This is expected to be a milestone in the implementation of the Doha Document.

189. Furthermore, the three Darfurian components of SRF refuse to respect the spirit of the relevant United Nations resolutions, which seek to build momentum for an inclusive, holistic and lasting peace settlement. They remain hostile to negotiating "immediately and without preconditions on the basis of the Doha Document".[84]

D. Progress towards removing impediments to the political process

190. In September 2012, 38 commanders of JEM territories raised dissenting voices, a move that has undermined the unity and cohesion of the movement. They helped to revive peace talks in Doha. Held under the auspices of Qatar and UNAMID, the preliminary talks between the Government and this new splinter group paved the way for the signing, on 22 October 2012, of a declaration of cessation of hostilities and commitment to the peace process. Owing to the group's internal organizational constraints and the international commitments of Qatar, the talks due to be held on 22 November 2012 were reportedly postponed to early in 2013.

191. During meetings in Doha late in November and in N'Djamena early in December with the group's representatives, the Panel was able to gauge the acute awareness, now spreading throughout JEM, of the futility of the armed struggle and, hence, those members' sincere commitment to a political settlement of the conflict. The representatives who met the Panel did not rule out the possibility of various rebel factions joining the Doha Document in the near future.

192. During his meeting with the Panel in Khartoum in December, the Assistant to the President of the Republic, in charge of Darfur and head of the official delegation of negotiators in Doha, stressed the splinter group's commitment to reaching a

[84] See the fifth preambular paragraph of Security Council resolution 2035 (2012). This wording also appears in the declaration of cessation of hostilities and commitment to the peace process, signed by the Government and a splinter JEM group in Doha on 22 October 2012.

negotiated settlement. He was optimistic that an agreement on power-sharing and security arrangements could be reached swiftly.

193. The deadlock in the peace process notwithstanding, efforts are under way to build new momentum for peace on an inclusive basis. In December, the Authority set up a liaison committee, comprising 11 leading Darfurian figures, tasked with establishing contacts with groups that have retreated abroad and that oppose the Doha political process.[85] According to the chair of this committee, Siddiq Wada'a, a Zaghawa businessman, the committee enjoys the unqualified support of the President.

194. During its meetings in N'Djamena in December 2012 with representatives of the Ministry of Foreign Affairs and JEM, the Panel learned that the Government of Chad had made efforts to mediate with the rebel factions. According to various Sudanese media, the United States encouraged Minni Minawi, the leader of SLA/MM and a driving force of the rebellion, to join the peace talks during his visit in December 2012 to Washington, D.C. In this respect, various visits to Kampala of the United States Special Envoy for Sudan and South Sudan to meet SRF are also noteworthy.

XIII. Recommendations

195. The Panel recommends that the Security Council:

(a) Urge all parties to the conflict to immediately cease all armed confrontations in Darfur. In the same spirit, the Security Council could reiterate its call upon non-signatory Sudanese belligerents, specifically members of SRF, to join the political process without preconditions and delays on the basis of the Doha Document for Peace in Darfur;

(b) Require that States exporting military aircraft to the Government of the Sudan incorporate an electronic tracking system in the platforms to ensure that they are not used in violation of resolution 1591 (2005). Furthermore, such exporting States must report any such violations to the Committee. They should also cease, after violation, to provide any technical support for those platforms and to provide new platforms to the Government of the Sudan;

(c) Consider whether there is a need for an additional layer of verification to be imposed upon exporting States, given that the arms embargo is limited to the five states of Darfur and that there are numerous examples of cases in which the Government of the Sudan has assured arms-exporting States that the equipment in question would not be used subsequently in Darfur. The Panel is of the view that there is such a need. Accordingly, the Panel further recommends that exporting States also be required to undertake physical verification of the presence of those assets on random dates thereafter;

(d) Consider whether it might be appropriate for a United Nations body to offer to undertake the above-mentioned verification procedure;

[85] The liaison committee was established pursuant to a resolution adopted by the All Darfur Stakeholders Conference, held in El Fasher from 10 to 12 July 2012.

(e) Urge the Government of the Sudan and all armed opposition groups to facilitate unrestricted, unconditional and safe access for all humanitarian agencies and personnel to all parts of Darfur;

(f) Remind the Government of the Sudan of its obligations and to call upon all parties to the conflict to allow UNAMID unhindered and safe access to all locations, including those affected by recent hostilities;

(g) Call upon the Government of the Sudan to remove all extensive powers given to NISS and all immunities for law enforcement personnel so that perpetrators are directly accountable before the judiciary for crimes committed outside or in the course of their work;

(h) Urge the Government of the Sudan to immediately conduct effective and impartial investigations into violations of human rights and international humanitarian law, specifically the latest attacks on Sigilli, Hashaba, eastern Jebel Marra, and to complete its investigations into past incidents such as the Tabara massacre, and bring the perpetrators to justice;

(i) Urge the Government of the Sudan to immediately open transparent and effective investigations into all attacks against UNAMID and bring their perpetrators to justice without delays.

196. The Panel recommends that the Committee:

(a) Urge the Government of the Sudan to facilitate the fulfilment of the Panel's mission in the best possible environment, such as by providing multiple-entry visas for the Panel members and unlimited access to Darfur and removing security and administrative constraints;

(b) Request the Government of the Sudan to provide the Panel with the full access necessary to conduct its investigations and act as a source of information on international humanitarian law and human rights violations;

(c) Amend identifiers and acronyms of the four designated individuals pursuant to resolution 1672 (2006), on the basis of new information provided to the Committee;

(d) Encourage the Government of the Sudan and Member States to implement the provisions of resolutions 1591 (2005) and 1672 (2006);

(e) Review the cases of Major General (ret.) Gaffar Mohamed Elhassan and Gabril Abdul Kareem Badri, alias "Tek".

Annex I

List of additional meetings with officials of the Government of the Sudan and representatives of armed organized groups

Sudan

1. The Panel made great efforts to maximize its contacts with a broad range of actors in Khartoum and Darfur (El Fasher, El Geneina, Kabkabiya, Kutum, Nyala, Tawila, Zam Zam internally displaced persons camp and Zalingei).

2. The Panel interacted with the coordination committee for the implementation of resolution 1591 (2005) chaired by General Mohammad Mustafa al-Dabi.[a] The Panel also met the Minister of State for the Presidency, in charge of the Darfur peace monitoring and head of the Doha peace process delegation. In addition, the Panel met civil society representatives, community leaders, heads of tribal advisory councils (shura), local administration officials, the Governor of Northern Darfur, the Chairperson of the Darfur Regional Authority and his deputies, Darfur Regional Authority ministers, lawyers, human rights defenders, journalists, women's associations, internally displaced persons camps representatives, the office of the Special Prosecutor for the crimes committed in Darfur, political opposition parties and diplomatic missions.

3. The Panel was in regular and close contact with the African Union-United Nations Hybrid Operation in Darfur in Khartoum and Darfur and cooperated with various United Nations agencies operating in the Sudan. The Panel also met Ibrahim Gambari, outgoing Joint African Union-United Nations Special Representative for Darfur and Head of the Operation/Joint Chief Mediator ad interim.

Regional level

4. The Panel conducted two missions to South Sudan including, Northern and Western Bahr el-Ghazal (on the borders with Darfur), to establish whether Justice and Equality Movement (JEM) combatants were present in those areas and to determine whether the two states were being used as bases.

5. In Uganda, the experts met, on several occasions, the coordinating committee of the Sudanese Revolutionary Front, comprising representatives of the three main Darfur armed opposition groups (the Sudan Liberation Army/Minni Minawi faction, the Sudan Liberation Army/Abdul Wahid faction and JEM). The Panel inquired about international humanitarian law, arms, finance and aviation violations, in addition to impediments to the peace process.

6. In Ethiopia, the Panel met the head of the UNAMID office and several representatives of the Sudan People's Liberation Movement-North, one of the main components of the Sudanese Revolutionary Front.

7. In Chad, the Panel met JEM dissidents.

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[a] This committee brings together focal point General al-Dabi and officials from the ministries of foreign affairs, defence, the interior, justice and the economy, in addition to the special services (National Intelligence and Security Service).

International level

8. In Qatar, the Panel met several JEM dissident interlocutors involved in the peace process.

9. In London, the Panel also met the JEM leader and supreme commander, Gebril Ibrahim Fediel, and other JEM representatives, in addition to representatives of the Sudan Liberation Army/Minni Minawi faction.

10. In Paris, the Panel met JEM representatives and JEM dissidents led by Bahr Hammadein.

Annex II

Certificates and letters

Tel: +(249 1 85) 330771 - 330767 - 330770
Fax: +(249 1 85) 336080

S/N: 11013422/11-2010
Date: 11/11/2010

END USER CERTIFICATE

We, Ministry of Defense of the Republic of Sudan, hereby officially certify that the goods listed hereunder, purchased by the Military Industry Corporation of the Republic of Sudan from "BELSPETSVNESHTEKHNIKA" company (220029, the Republic of Belarus, Minsk, Pastsyerych str., 23, [illegible]), are intended for exclusive use within the Sudanese Army and will not be used for the purposes that contradict to the provisions of the resolutions of the Security Council adopted because of unsettled conflict in Darfur.

Position	Description of goods	Quantity, pcs
1.	Unguided rocket S-8DM	9 750
2.	Unguided rocket S-8KO	250

Ministry of Defense of the Republic of Sudan undertakes to not re-export the goods to any third party without express written consent of the authorized body of the Republic of Belarus.

Ministry of Defense of the Republic of Sudan hereby guarantees that the fact of delivery of the military purpose goods under the Contract to the Ministry of Defense of the Republic of Sudan will be confirmed through the Delivery Control Certificate by the Military Industry Corporation of the Republic of Sudan.

Republic of Sudan
Ministry Industry Corp.

MIC – Managing Director
Ministry of Defense
Republic of Sudan

THE REPUBLIC OF THE SUDAN

Ambassador /
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هيئة التصنيع الحربي
ص.ب : ١١٤٦٠ ـ الخرطوم ـ السودان
تلفون: ٣٣٠٧٧١ ـ ٣٣٠٧٨٧ ـ ٣٣٠٤٤٥
فاكس: ٣٣٦٠٨٠

No.: 18 M/MIC/736-2058
Date: 18.04.2011

DELIVERY CONTROL CERTIFICATE FOR SPECIAL EQUIPMENT

This is to certify to the competent bodies of the Republic of Belarus that the goods listed hereunder, supplied by SFTUE Belspetsvneshtechnika under contracts Nos. and in accordance with airway bills Nos. :

Description of Goods	Quantity, pcs.	Airway bill, date
Unguided aviation rocket S-8DM	1248 1440 60	000-1238 4481 dd 24.01.2011 000-1238 4341 dd 28.01.2011 000-1238 4971 dd 02.02.2011
Unguided aviation rocket S-8KO	1250	000-1238 4971 dd 02.02.2011

reached Khartoum and are completely at the disposal of the Ministry of Defence of the Republic of Sudan

Dr. Abdel Rahman Elhag
Representative of Military Industry Corporation
Ministry of Defence
The Republic of Sudan

КОНСУЛЬСКІ АДДЗЕЛ
Пасольства Рэспублікі Беларусь у Расійскай Федэрацыі
пацвярджае сапраўднасць подпісу

КОНСУЛЬСКИЙ ОТДЕЛ
Посольства Республики Беларусь в Российской Федерации
подтверждает подлинность подписи
военного атташе Судана в РФ
генерал-майора
Консул Н. Д. Моленко
№ 12 19 апреля 2011 года

КОНСУЛЬСКІ АДДЗЕЛ
Пасольства Рэспублікі Беларусь у Расійскай Федэрацыі
пацвярджае сапраўднасць подпісу

КОНСУЛЬСКИЙ ОТДЕЛ
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военного атташе посольства Республики Судан в Рос-
сийской Федерации генер.-майора Иса Идрис Бабикер

Консул Бобов С.Н.

№ 43 30 ноября 2010 г.

Посольство Республики Беларусь в Российской Федерации
КОНСУЛЬСКИЙ ОТДЕЛ
1

13-21072 (E) 1

Translated from Russian

The Consular Section of the Embassy of the Republic of Belarus in the Russian Federation certifies the authenticity of the signature of Major General Isa Idris Babiker, military attaché of the Embassy of the Republic of the Sudan in the Russian Federation.

(*Signed*) S. N. Bobov

Consul

30 November 2010

No. 43

(*Stamp*) Consular Section 1

Embassy of the Republic of Belarus in the Russian Federation

EMBASSY OF THE REPUBLIC
OF SUDAN
MILITARY ATTACHE OFFICE
RUSSIA - Moscow
TEL . 2437785 , FAX . 2431914

No.: ...
Date: ...

سفارة جمهورية السودان
مكتب الملحق العسكري
روسيا - موسكو
تلفون / ٢٤٣٧٧٨٥ / فاكس / ٢٤٣١٩١٤

الرقم.....
التاريخ.....

Letter of Guarantee

Government of the Republic of the Sudan guarantees, that the property under Contract № between the Military-Industrial Corporation of the Republic of the Sudan and "BelTechExport" Company (Republic of Belarus) is delivered exclusively to the legal Government of the Republic of the Sudan and will be used for the purposes, not contradicting to the resolutions of UN Security Council.

Military attaché
Embassy of the Republic of the Sudan
Big-General Engineer
Eassa Idris Babiker

The numbers of the aircrafts Su-25 supplied by the Republic of Belarus to the Republic of Sudan

№	Manufactory number	Registration / tail number
1	25508110822	201
2	25508110818	202
3	25508109088	203
4	25508108040	204
5	25508109062	205
6	25508109065	206
7	25508109066	207
8	25508109067	208
9	25508109068	210
10	25508109069	211
11	25508109070	212
12	25508109073	214
13	38220108084	215
14	38220113549	216
15	38220110128	217

Annex III

List of areas covered under international humanitarian law and human rights law by the Panel during the current mandate

Under international humanitarian law, the Panel focused on the following violations:

(a) Attacks against civilians or indiscriminately affecting civilians;

(b) Failure to protect civilians;

(c) Restrictions on access and harassment of humanitarian workers;

(d) Attacks against peacekeepers and humanitarian workers;

(e) Recruitment of child soldiers.

In the area of human rights, and in the light of the current situation in Darfur, the Panel primarily focused on the following rights:

(a) Right to life;

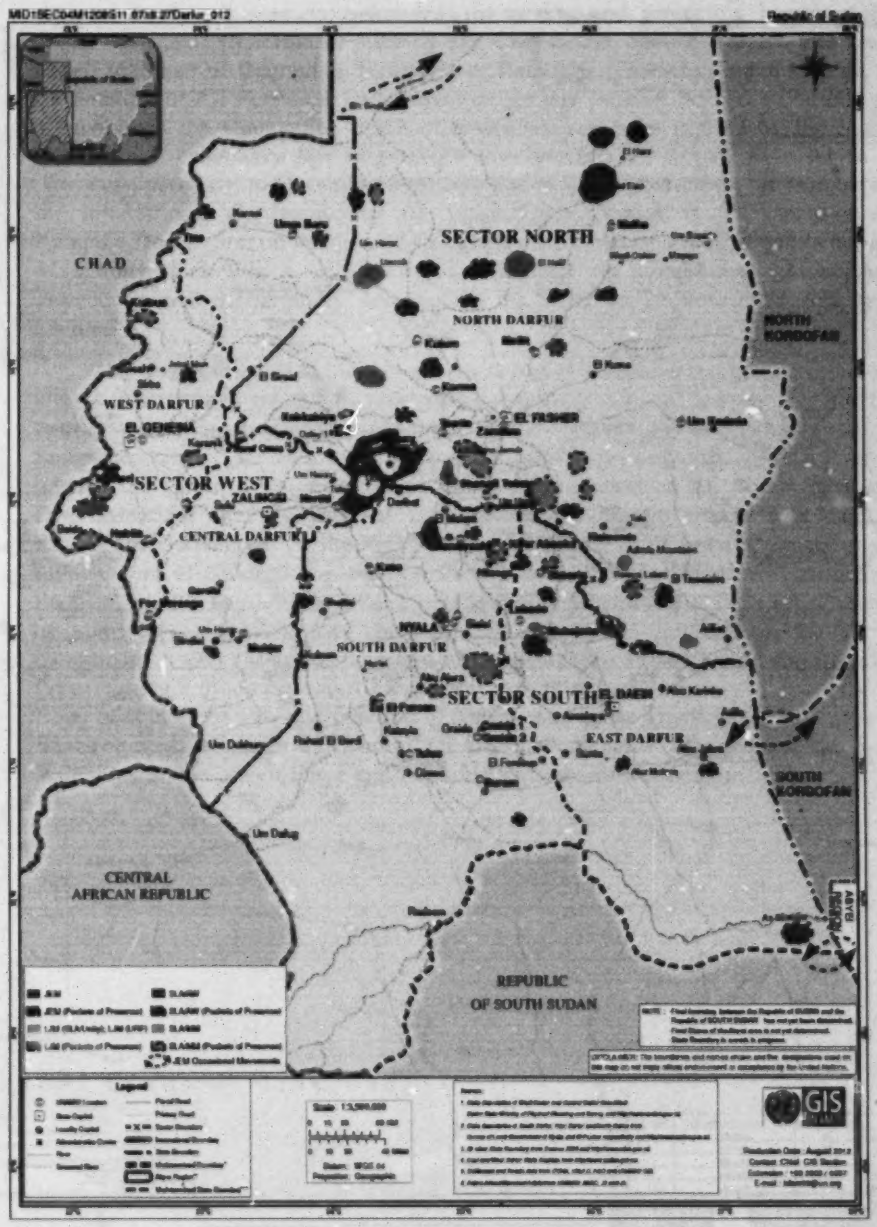
(b) Right to freedom from arbitrary arrest and detention;

(c) Right to freedom from torture and other cruel, inhuman or degrading treatment or punishment;

(d) Right to effective remedy for serious human rights violations.

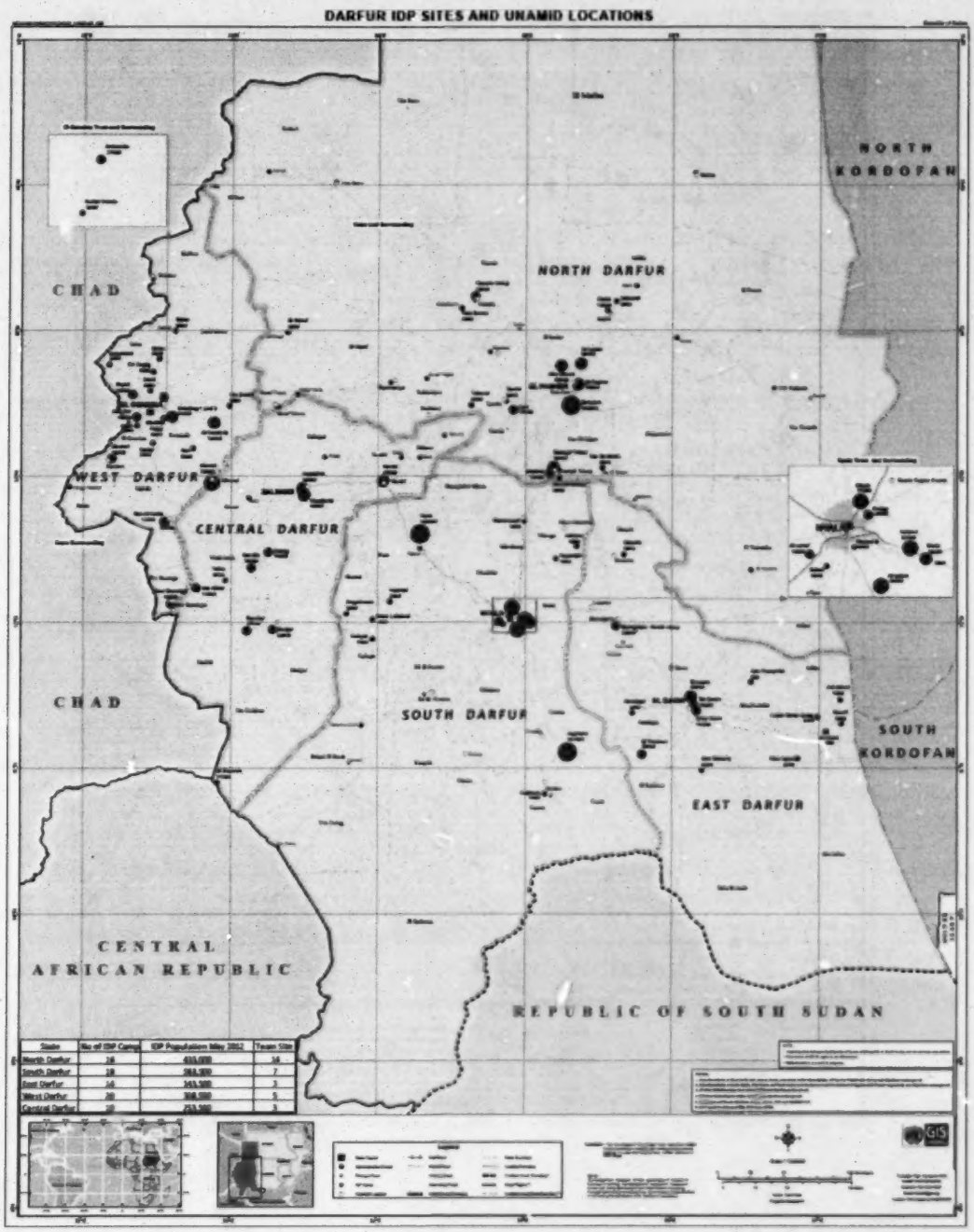
Annex IV

Location of armed groups and coalitions in Darfur, UNAMID, August 2012



Annex V

Map of internally displaced persons sites in Darfur, UNAMID, May 2012



Annex VI

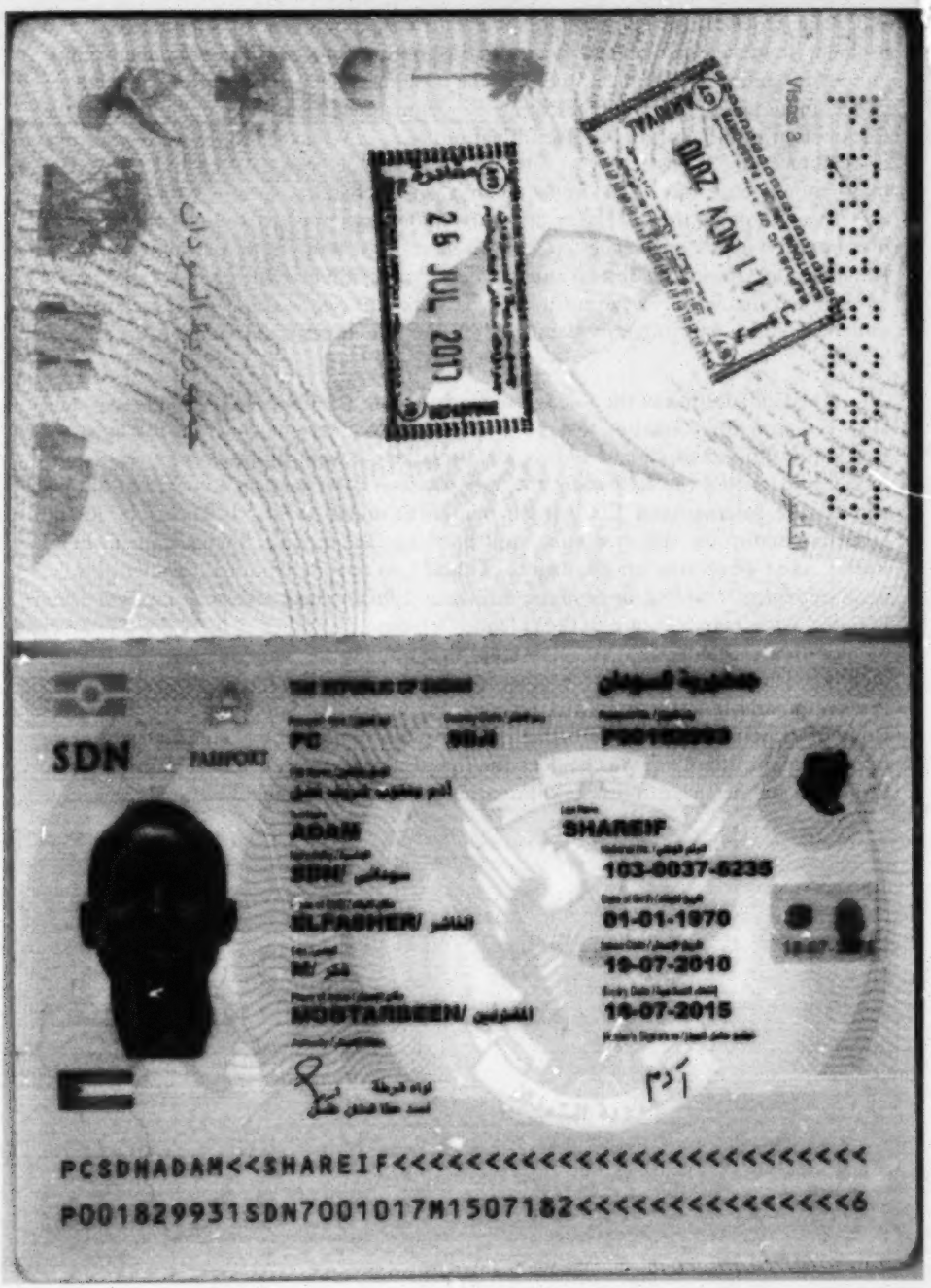
International human rights law framework

The Government of the Sudan is party to a number of international and regional treaties that commit States to promoting and protecting human rights. Others of major importance, such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Discrimination against Women, are yet to be ratified. Even though the Convention against Torture has not been ratified by the Sudan, international customary law imposes an absolute ban on torture from which no States can derogate. In December 2011, the Sudan was one of the States members of the International Conference on the Great Lakes Region to participate in the Kampala Declaration on Sexual and Gender-Based Violence. In July 2012, a number of actions, including a zero-tolerance campaign on sexual and gender-based violence crimes and impunity, launched by the Sudan on 25 November 2012, were adopted.

The Constitution of the Sudan guarantees basic freedoms and human rights and allows international treaties to take precedence over national laws in the event of conflict. Of the international and regional treaties relevant to the present report, the Sudan has ratified the following: the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict; and the African Charter of Human and Peoples' Rights. In addition to those legally binding instruments, there are a number of non-treaty standards that elaborate the obligations implied by the above-mentioned treaties. Some of the most relevant are: the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions; the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment; the Code of Conduct for Law Enforcement Officials; and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

Annex VII

Adam Yacub Sharif Fadl passport copy and travel stamp



Annex VIII

Communiqué published by SLA/MM on 7 June 2012, mourning the death of Adam Yacub Sharif, alias "Bambino" (translated by the United Nations)

11/6/12 حركة تحرير السودان بقيادة مناوي / تنعي المناضل آدم يعقوب شريف | sla-sudan

حركة تحرير السودان بقيادة مناوي / تنعي المناضل آدم يعقوب شريف

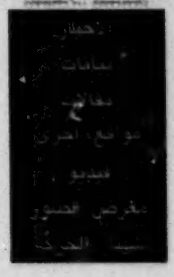
7 يونيو 2012 · بقيادة

Like Send 79 people like this.

بسم الله الرحمن الرحيم

Like Send 79 people like this.

القائمة الرئيسية



12-58002E 1

Translated from Arabic

The Sudan Liberation Movement under the leadership of Minnawi announces the death of the fighter Adam Ya'qub Sharif

7 June 2012

In the name of God, the Merciful, the Compassionate:

> And surely We shall try you with something of fear and hunger, and loss of wealth and lives and crops; but give glad tidings to the steadfast, Who say, when a misfortune striketh them: Lo! we are God's and lo! unto Him we are returning. Such are they on whom are blessings from their Lord, and mercy. Such are the rightly guided.

Accepting in our hearts God's will and what He has ordained, it is with great sadness and regret that the Sudan Liberation Movement family under the leadership of commander Minnawi announces the death of our brother and comrade the fighter Adam Ya'qub Sharif (Bambinu), who met his fate after a brief illness. The deceased was one of the heroes who dedicated themselves to the cause and did much in that regard. He was commander of the Abu Hamrah military area and then commander of Shangil Tobaya. He was known for his mild temperament and was loved by his comrades. He is the brother of Ahmad Ya'qub Sharif, who is the Movement's Secretary of Dialogue and Political Consolidation.

We ask the Lord Almighty to accept him, extend him His Mercy and place him in Heaven, alongside the righteous and the martyrs. We ask God to inspire his family and kin in the country and abroad, and to grant them patience and consolation as they mourn.

Lo! we are God's and unto Him we are returning.

The Social Secretariat
Sudan Liberation Movement

Annex IX

Summary of outgoing communications sent in 2012 by the Panel of Experts under the current mandate

Date	*Addressee*	*Subject matter*
27 April	Sudan	Visit and visa assistance
9 May	Special Representative of the Secretary-General — United Nations Mission in South Sudan	Visit
9 May	South Sudan	Visit
14 May	Department of Peacekeeping Operations	Cooperation with the African Union-United Nations Hybrid Operation in Darfur
11 May	Chair of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan	Visa assistance
14 May	South Sudan	Visit
14 May	Uganda	Visit
14 May	Qatar	Visit
14 May	Ethiopia	Visit
14 May	African Union	Meeting with the Peace and Security Council
15 May	Chad	Visit
15 May	Central African Republic	Visit
15 May	United Kingdom	Visit
17 May	South Sudan	Visit
17 May	Uganda	Visit
29 May	Indonesia	National implementation report
29 May	Kenya	National implementation report
29 May	Oman	National implementation report
29 May	South Africa	National implementation report
29 May	Thailand	National implementation report
29 May	Yemen	National implementation report
29 May	Eritrea	National implementation report

Date	*Addressee*	*Subject matter*
29 May	Ethiopia	National implementation report
29 May	India	National implementation report
30 May	Central African Republic	National implementation report
30 May	Djibouti	National implementation report
30 May	Libya	National implementation report
30 May	Iran (Islamic Republic of)	National implementation report
31 May	Egypt	Query regarding travel ban
4 June	Russian Federation	Query regarding aviation data
6 June	Chad	Visit
6 June	Central African Republic	Visit
7 June	Sudan	Information request
12 June	Bank of Africa Uganda	Query regarding assets freeze
12 June	Bank of Baroda Uganda	Query regarding assets freeze
12 June	Barclays Bank Uganda	Query regarding assets freeze
12 June	Crane Bank Uganda	Query regarding assets freeze
12 June	Equity Bank Uganda	Query regarding assets freeze
13 June	Kazakhstan	Query regarding aviation data
13 June	CBE South Sudan	Query regarding assets freeze
13 June	Equity Bank South Sudan	Query regarding assets freeze
13 June	Ivory Bank South Sudan	Query regarding assets freeze
13 June	KCB South Sudan	Query regarding assets freeze
13 June	NCB South Sudan	Query regarding assets freeze

Date	*Addressee*	*Subject matter*
13 June	AB Ethiopia	Query regarding assets freeze
13 June	AIB Ethiopia	Query regarding assets freeze
13 June	CBE Ethiopia	Query regarding assets freeze
27 June	Sudanese French Bank	Query regarding assets freeze
27 June	Agricultural Bank of Sudan	Query regarding assets freeze
27 June	Bank of Khartoum Sudan	Query regarding assets freeze
27 June	Emirates and Sudan Bank Sudan	Query regarding assets freeze
27 June	Ivory Bank Sudan	Query regarding assets freeze
27 June	Sudan Islamic Bank Sudan	Query regarding assets freeze
27 June	Umdurman National Bank Sudan	Query regarding assets freeze
5 July	Sudan	Meetings and visa
6 July	Sudan	Visa
6 July	Al Ahli Bank Qatar	Query regarding assets freeze
6 July	Commercial Bank of Qatar	Query regarding assets freeze
6 July	Doha Bank Ltd. Qatar	Query regarding assets freeze
6 July	Mashreq Bank Qatar	Query regarding assets freeze
6 July	Qatar Islamic Bank	Query regarding assets freeze
6 July	Qatar National Bank	Query regarding assets freeze
6 July	Abu Dhabi Commercial Bank United Arab Emirates	Query regarding assets freeze
6 July	Abu Dhabi Islamic Bank United Arab Emirates	Query regarding assets freeze

Date	*Addressee*	*Subject matter*
6 July	National Bank of Abu Dhabi United Arab Emirates	Query regarding assets freeze
11 July	Chad	Query regarding travel ban
12 July	Uganda	Query regarding travel ban
12 July	South Sudan	Query regarding travel ban
20 July	Kazakhstan	Query regarding aviation data
20 July	Egypt	Query regarding travel ban
24 July	United Arab Emirates	Query regarding assets freeze
24 July	Uganda	Visit
26 July	Sudan	Visa
31 July	Chair	Interim report
8 August	France	Meetings
15 August	United Arab Emirates	Query regarding travel ban
16 August	Chair	Visits to Member States
28 August	United Arab Emirates	Visit
28 August	Chair	Incident
4 September	Ethiopia	Visas
6 September	Qatar	Query regarding assets freeze
17 September	Ethiopia	Query regarding assets freeze
6 September	Uganda	Query regarding assets freeze
14 September	Egypt	Query regarding travel ban
20 September	Belarus	Query regarding arms
20 September	Ethiopia	Visa
21 September	Sudan	Visa
25 September	South Sudan	Query regarding assets freeze
25 September	South Sudan	Query regarding travel ban
11 October	Central African Republic	Visit
11 October	Chad	Visit
11 October	Chair	Incident

Date	*Addressee*	*Subject matter*
25 October	United Arab Emirates	Visit
2 November	Sudan	Visa
2 November	Belarus	Query regarding aviation data
2 November	United Arab Emirates	Visit
5 November	Qatar	Visit
9 November	Sudan	Visa
14 November	United Arab Emirates	Visit
15 November	Chad	Visit
4 December	Chair	Incident
4 December	Special Representative of the Secretary-General — United Nations Mission in South Sudan	Visit
17 December	Chair	Access of Panel member

United Nations S/2013/81

Security Council

Distr.: General
7 February 2013

Original: English

Letter dated 6 February 2013 from the Chargé d'affaires a.i. of the Permanent Mission of Uganda to the United Nations addressed to the President of the Security Council

I have the honour of writing to you regarding a letter dated 23 January 2013 from the Permanent Representative of the Sudan addressed to the President of the Security Council (S/2013/49).

The Government of the Republic of Uganda has noted with dismay the allegations made in the aforementioned letter, more so the accusation that, "the Government of Uganda has continued its obstructive role to the peace process in Sudan." To the contrary, the Government of the Republic of Uganda has continued to promote regional cooperation, peace, security and stability under the auspices of such regional and international frameworks as the International Conference on the Great Lakes Region, the Intergovernmental Authority on Development, the African Union and the United Nations.

The Government of the Republic of Uganda was one of the guarantors to the Comprehensive Peace Agreement between the Sudan and South Sudan, and fully supports the ongoing efforts by the African Union High-level Implementation Panel to resolve the outstanding issues relating to the Comprehensive Peace Agreement.

On 16 January 2013 the Government of the Republic of the Sudan, through the Embassy of Uganda in Khartoum, conveyed its concerns to the Government of the Republic of Uganda regarding a meeting of Sudanese political opposition groups that was held in Kampala on 5 January 2013. This matter was subsequently investigated. On 22 January 2013 the Government of the Republic of Uganda officially communicated through the Embassy of the Sudan in Kampala, providing assurances that said meeting was neither organized, authorized nor sponsored by the Government of the Republic of Uganda, as alleged.

Under the existing bilateral mechanisms, including the Joint Ministerial Commission, the Permanent Secretaries and Intelligence Chiefs forums, the two countries have been holding meetings to resolve issues of concern. Indeed, a joint meeting of senior Government officials is scheduled for mid-February 2013.

It is surprising, therefore, that the Government of the Republic of the Sudan has disregarded the existing bilateral mechanisms and taken up this matter with the Security Council. The Government of the Republic of Uganda, as Chair of the International Conference on the Great Lakes Region, is committed to the full implementation of the Pact on Security, Stability and Development in the Great

Please recycle

Lakes Region, that provides for peaceful settlement of disputes, as enshrined in chapter VI, article 28 of the Pact, as well as other regional and international instruments.

The Government of the Republic of Uganda reiterates its commitment to maintaining friendly and brotherly relations with the Government of the Republic of the Sudan.

You are kindly requested to circulate the present letter as a document of the Security Council.

(*Signed*) John L. **Mugerwa**
Chargé d'affaires a.i.

United Nations S/2013/82

Security Council

Distr.: General
7 February 2013

Original: English

Identical letters dated 7 February 2013 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to attach herewith the statement issued on 5 February 2013 by the Coordinating Bureau of the Non-Aligned Movement, representing 120 Member States on the act of aggression by Israel against the Syrian Arab Republic.

The statement condemns in the strongest possible terms the act of aggression committed by Israel against the Syrian Arab Republic on Wednesday, 30 January 2013, when Israeli warplanes violated the airspace of the Syrian Arab Republic and directly bombarded a scientific research centre in the Jamraya area located in the Rif Dimashq governorate.

The statement also considers this act a grave violation of the international law, the purposes and principles of the Charter of the United Nations and the Agreement on Disengagement between Israeli and Syrian Forces of 1974.

Furthermore, the statement holds Israel fully accountable for this act of aggression and its consequences, and requests the Security Council to shoulder its responsibility by clearly condemning this act of aggression.

It would be highly appreciated if the present letter and its annex could be circulated as a document of the Security Council (see annex).

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

13-22789 (E) 120213

Please recycle

Annex to the identical letters dated 7 February 2013 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

5 February 2013

Statement by the Coordinating Bureau of the Non-Aligned Movement on the Act of Aggression by Israel against the Syrian Arab Republic

The Coordinating Bureau of the Non-Aligned Movement condemns, in the strongest possible terms, the act of aggression committed by Israel against the Syrian Arab Republic on Wednesday, 30 January 2013, when Israeli warplanes violated the airspace of the Syrian Arab Republic and directly bombarded a scientific research centre, in the Jamraya area located in the Rif Dimashq governorate. The attack resulted in the death of two Syrian civilians and the injury of five others, in addition to considerable material damages and the full destruction of the building.

The Coordinating Bureau of the Non-Aligned Movement considers this act a grave violation of international law, as it infringes upon Syrian sovereignty and constitutes a blatant violation of the purposes and principles of the Charter of the United Nations and the Agreement on Disengagement between Israeli and Syrian Forces of 1974.

The Coordinating Bureau of the Non-Aligned Movement, while expressing solidarity with the Syrian Arab Republic and holding Israel accountable for this act of aggression and its consequences, requests the Security Council to shoulder its responsibility by clearly condemning this act of aggression.

United Nations S/2013/83

Security Council

Distr.: General
7 February 2013

Original: English

Letter dated 7 February 2013 from the Permanent Representative of Yemen to the United Nations addressed to the President of the Security Council

I have the honour to enclose herewith a letter from His Excellency Abdourabuh Mansour Hadi, President of the Republic of Yemen, addressed to you regarding the recent visit of the Security Council mission to Yemen on 27 January 2013 (see annex).

I would greatly appreciate it if the present letter and its annex could be circulated to the members of the Security Council and registered as a document of the Security Council.

(*Signed*) Jamal Abdullah **Al-Sallal**
Ambassador
Permanent Representative

13-22832 (E) 110213

Please recycle

Annex to the letter dated 7 February 2013 from the Permanent Representative of Yemen to the United Nations addressed to the President of the Security Council

[Original: Arabic]

At the outset, I should like to express my sincere thanks and that of the people and Government of Yemen for having set aside some of your valuable time to visit Yemen.

Your historic visit to Yemen was a clear expression of your continued support for the process of political transition in our country. It also underscored the crucial role the Security Council, the members of which were unanimous in wishing to assist the Yemeni people to reach agreement on the importance of arriving at a peaceful resolution to the grave crisis that was rocking the country.

Based on the discussions that took place during your most recent visit, I should like to ask once again, on behalf of the people and Government of Yemen, that the Security Council remain actively seized of the situation in Yemen and take the measures it deems necessary to implement completely and effectively resolutions 2014 (2011) and 2051 (2012), as well as the agreement on the transfer of power, in accordance with the spirit of the Gulf Cooperation Council initiative and its implementing mechanism.

I should also like to reiterate that the Yemeni Government has full confidence in the United Nations and the probity and professionalism of its Secretary-General, Mr. Ban Ki-moon, and his Special Adviser on Yemen, Mr. Jamal Benomar.

(*Signed*) Abdourabuh Mansour **Hadi**
President of the Republic of Yemen

United Nations A/ES-10/580–S/2013/84

General Assembly
Security Council

Distr.: General
11 February 2013

Original: English

General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-eighth year

Identical letters dated 8 February 2013 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

I write to convey our rising concerns about Israel's illegal policies and measures in the Occupied Palestinian Territory, including East Jerusalem — the territory that constitutes the State of Palestine. The persistence of these destructive, oppressive and unlawful actions by the occupying Power is exacerbating the critical humanitarian situation of the Palestinian civilian population and further poisoning the atmosphere and heightening tensions between the two sides. Moreover, such actions undermine the collective efforts being exerted, regionally and internationally, to overcome the deadlock and to launch a credible political process, at the same time that they threaten the viability of the two-State solution to the conflict.

In the recent period, Israel, the occupying Power, has continued its military raids of Palestinian villages, towns and cities, arresting and detaining dozens more Palestinian civilians, including children, who continue to be terrorized by the Israeli practice of seizing children from their homes in the middle of the night and subjecting them to forced interrogations and detention. Recent arrest raids have included the arrest on Monday, 4 February, of 23 Palestinians, among them three democratically elected officials. This was followed by the arrest of another eight Palestinians two days later. We condemn these Israeli actions, which constitute blatant violations of international law, and call for the cessation of the arrest and detention of Palestinian civilians.

In this connection, we reiterate our grave concern regarding the plight of hunger-striking prisoners, among them Samer Issawi, whose life is in imminent danger, as well as Ayman Sharawna, Tareq Qedan and Jafar Ezzedine, who have been on long-term hunger strikes in protest of their captivity by Israel and whose plight we underscored in our letter of 24 January 2013. We call upon the international community to act, consistent with international law, to compel Israel, the occupying Power, to cease its inhumane treatment of Palestinian prisoners and to

13-22949 (E) 130213

Please recycle

release those hunger-striking prisoners and all other Palestinian prisoners being held unlawfully.

Moreover, we stress our concern regarding the deplorable conditions in which Palestinians are being imprisoned by Israel, the occupying Power. This includes the systematic physical and psychological maltreatment of prisoners, including such as that which occurred today at Nafha prison, where occupying forces attacked and beat Palestinian prisoners and destroyed their belongings.

Israel, the occupying Power, also continues its illegal settlement campaign throughout the Occupied Palestinian Territory, including East Jerusalem, and its settlers continue their lawlessness and incitement, causing injury to civilians and damage to property. On 31 January, reports revealed that the Israeli Government had advanced plans for the construction of another 346 settlement units in an area south of Occupied East Jerusalem and north of Bethlehem, where Israeli settlement activities have been fervent. Israel also continues its assault on Muslim heritage and holy sites, with reports on 6 February of the demolition of ancient Islamic structures in the plaza of the Western Wall of the Old City near Al-Aqsa Mosque. Such provocations, along with actions such as the forced entry yesterday at Al-Haram Al-Sharif of more than 100 Israeli occupying soldiers and dozens of extremist settlers, threaten to totally destabilize the already fragile situation on the ground and require the urgent attention of the international community.

At this time, we stress the importance of the report recently issued by the Human Rights Council-mandated international fact-finding mission which investigated the implications of Israeli settlements on the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem. The report reaffirms the illegality of Israel's settlement activities, as previously determined by numerous United Nations resolutions and the July 2004 Advisory Opinion of the International Court of Justice. It is imperative that serious follow-up be undertaken of the conclusions and recommendations made regarding this illegal practice and the far-reaching negative consequences it is having on the Palestinian human rights situation, on the demographic and geographic situation on the ground and on the prospects for realizing the two-State solution.

In this regard, the occupying Power has also persisted with its demolition of Palestinian homes and properties and confiscation of Palestinian land, forcibly displacing more Palestinian civilians in violation of international humanitarian law. On 5 February, the Israeli occupying forces destroyed a two-storey home in the East Jerusalem neighbourhood of Beit Hanina, once again under the pretext of the lack of a building permit. The house, constructed six years ago, was home to four Palestinian families, comprising 30 people, including several children and elderly individuals, now rendered homeless by this inhumane, unlawful act of destruction.

This was preceded a day earlier by the demolition of four buildings and a sewage network in the East Jerusalem neighbourhood of Silwan, which has been heavily targeted by Israel in the furtherance of its colonization schemes, and by the issuance of demolition notices to at least 200 Palestinian families in the Fuheidat neighbourhood east of the village of Anata. Also, the Israeli occupying forces on 6 February demolished a water well in the Al-Fawwar refugee camp south of Al-Khalil and on 7 February demolished a home in the village of Al-Khas, east of Bethlehem, and a municipal building in the village of Beit Awla, west of Al-Khalil.

Palestinian civilians continue to engage in peaceful protest, a right to which they are entitled under international law, against this illegal Israeli colonization of their land and destruction of their property. This includes the establishment of another protest village in Burin, south of Nablus, on 2 February, against Israeli settlement expansion in the area, similar to the Bab Al-Shams and Bab Al-Karamah villages that were established as an expression of non-violent protest against Israeli settlement plans. Disrespecting the right to peaceful protest, Israel persists with excessive force, including live ammunition, against Palestinian demonstrators, and forcibly dismantled the Burin protest village, even allowing settlers at the site to attack the Palestinian demonstrators.

We reiterate our calls on the international community, particularly the Security Council, to give all of these critical matters due attention and to act, including via practical measures, to compel Israel, the occupying Power, to abide by international law and the relevant United Nations resolutions. The situation of Palestinian prisoners is grave, and Israel must be compelled to respect international humanitarian and human rights law as it applies to them. Moreover, Israel must be urgently compelled to halt all settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and to abide forthwith with all of its legal obligations, including those under the Fourth Geneva Convention, without exception. Stopping this illegitimate, destructive campaign is imperative for salvaging the two-State solution and fostering the trust and environment necessary for its achievement and the achievement of a just, lasting and peaceful solution to the Israeli-Palestinian conflict, the core of the Arab-Israeli conflict.

This letter is in follow-up to our previous 452 letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, which constitutes the territory of the State of Palestine. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 24 January 2013 (A/ES-10/579-S/2013/52), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations being committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of the State of Palestine to the United Nations